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SECTION III

FISHERY AGREEMENTS RELATING TO CONSERVATION OF STOCK
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A. International Convention for the Regulation of Whaling, 1946, with Annexed Schedule containing Amendments as of 7 March 1956 ................................................................. 299
   1. Note ........................................................................ 299
   2. Text of Convention .................................................. 300
   3. Text of Amendments ............................................... 306

B. North Atlantic ............................................................ 315
      Statutes of the Council as revised 1950 ......................... 315
      a. Note ................................................................. 315
      b. Statutes of the Council as Revised 1950 ................. 316
   2. Convention for the Regulation of Meshes of Fishing Nets and
      the Size Limits of Fish (1946) ...................................... 317
      a. Note .................................................................. 317
      b. Text of Convention ............................................. 317
   3. International Convention for the North-West Atlantic
      Fisheries (1949) ....................................................... 324
      a. Note .................................................................. 324
      b. Text of Convention ............................................. 324

C. Mediterranean ........................................................... 335
   1. Agreement for the Establishment of a General Fisheries
      Council for the Mediterranean (1949) ....................... 335
      a. Note .................................................................. 335
      b. Text of Agreement ............................................. 335

D. Indo-Pacific ............................................................... 340
   1. Agreement for the Establishment of an Indo-Pacific Fisheries
      Council (1948) ....................................................... 340
      a. Note .................................................................. 340
      b. Text of Agreement ............................................. 340

E. North Pacific ............................................................. 345
   1. Fur Seals. Note on Agreements .................................. 345
   2. Sockeye Salmon. Note on Agreements ....................... 345
   3. International Convention for the High Seas Fisheries of the
      North Pacific Ocean (1952) with Annex and Protocol .... 346
      a. Note .................................................................. 346
      b. Text of Convention ............................................. 346

Page 297
4. Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (1953) ... 356
   a. Note ........................................... 356
   b. Text of Convention ............................ 357

F. Western Pacific .................................... 360
1. Introductory Note .................................. 360
2. Treaty between Japan and the Union of Soviet Socialist Republics concerning Fisheries on the High Seas in the North Pacific Ocean and Annex (1956) .... 361
   a. Note ........................................... 361
   b. Text of Treaty .................................. 361
3. Non-governmental Agreement Concerning Fishing in the Yellow Sea and the East China Sea (1956) .. 368
   a. Note ........................................... 368
   b. Text of Agreement ............................. 368

G. Eastern Pacific ..................................... 370
   a. Note ........................................... 370
   b. Text of Convention ............................. 371
   c. Exchange of Notes ................................ 375

H. Great Lakes ......................................... 378
   a. Note ........................................... 378
   b. Text of Convention ............................. 378
A. International Convention for the Regulation of Whaling, 1946, with Annexed Schedule Containing Amendments as of 7 March 1956

1. Note. The 1946 Convention replaced for many of the parties the 1937 Agreement for the Regulation of Whaling, IV Treas. 5573. The United Kingdom, the United States, Panama and Sweden withdrew from the 1937 Agreement effective 1 July 1949, and Australia, Canada, New Zealand and South Africa withdrew effective 1 July 1950. The Protocol of 1938 was similarly withdrawn from by the United Kingdom, United States, Canada and Panama as of 1 July 1949, and by Australia, New Zealand and South Africa as of 1 July 1950. The Geneva Convention for the Regulation of Whaling, 1931, remains in force as of October 31, 1955. The parties as of that date are given in Treaties in Force, at page 222.

The 1946 Convention entered into force on November 10, 1948 for the United States, United Kingdom, Australia, Norway, South Africa, Union of Soviet Socialist Republics and the Netherlands. As of 20 July 1956, Brazil, Canada, Denmark, France, Iceland, Japan, Mexico, New Zealand, Panama and Sweden had become parties. The text is printed in 62 Stat. (2) 1716; TIAS 1849, and British Command Paper No. 7604. Amendments to the Schedule were made on June 7, 1949; July 21, 1950; July 27, 1951; June 6, 1952; June 26, 1953; and July 23, 1954, and may be found in TIAS Numbers 2092, 2173, 2486, 2699, 2866, and 3198. Except for the 1954 Amendment, the other Amendments above may be found in Command Paper Numbers 7853, 7918, 8706 and 9048. Further amendments were made on 8 November 1954; 24 February 1955; 8 November 1955; and 7 March 1956, as a result of the sixth and seventh meetings of the International Whaling Commission in Tokyo and Moscow. At the eighth meeting in London, July 16–20, 1956, the Commission recommended that the catch referred to in 8(a) of the Schedule should not exceed 15,000 blue-whale units, and should not exceed 14,500 units for the 1956–57 season, with consequential changes in 8(c). These recommendations became effective 1 November 1956. TIAS 3739. At the conclusion of the seventh meeting (Moscow), the Commission requested the United States to prepare a Protocol amending the Convention that would permit the appointment of independent observers for factory ships in addition to national inspectors. A protocol was opened for signature in Washington on 19 November 1956, and signed by all of the seventeen States that are parties to the 1946 Convention. It will become effective when all parties have ratified. As of August 1957, eleven States have deposited their ratifications. In addition, the ratification of the United States was deposited in 30 August 1957.


*  *  *  *  *  *  *  *

2. **International Convention for the Regulation of Whaling (1946)**

*Washington, 2nd December 1946*

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937 and the protocols to that Agreement signed in London on June 24, 1938 and November 26, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

**Article I**

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either
in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

**Article II**

As used in this Convention
1. “factory ship” means a ship in which or on which whales are treated whether wholly or in part;
2. “land station” means a factory on the land at which whales are treated whether wholly or in part;
3. “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
4. “Contracting Government” means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

**Article III**

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.
2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.
3. The Commission may appoint its own Secretary and staff.
4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.
5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.
6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming
into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

**Article IV**

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments or organizations, or independently
   (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
   (b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
   (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

**Article V**

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.
2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

**Article VI**

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

**Article VII**

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may desig-
nate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

**Article VIII**

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

**Article IX**

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this
Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

**Article X**

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

**Article XI**

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for
signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

[Signatures omitted.]

3. Schedule to the International Whaling Convention, 1946, Revised to Include the Amendments that Came Into Operation After the Sixth (Tokyo) and Seventh (Moscow) Meetings

7th March, 1956

SCHEDULE

(As amended by the Commission at its first, second, third, fourth, fifth, sixth and seventh meetings and subsequently brought into force.)

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. (1) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.¹

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that

¹ This paragraph was objected to within the prescribed period ending 7th November 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on 24th February, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from 24th February, 1960.
from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. [This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8th November, 1955, after which it will automatically become operative again (8th November, 1958).]

6. (1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2nd, 3rd and 4th February in any year.

7. (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 7th January to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c), (d) and (e) of this paragraph.

(c) Each Contracting Government shall declare for all
factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto:

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in the season 1955–56 and fourteen thousand five hundred blue-whale units thereafter.\(^2\)

(b) For the purposes of sub-paragraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or
(2) Two and a half humpback whales or
(3) Six sei whales.

(c) Notification shall be given in accordance with the pro-

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\(^2\) The reduction for the season 1955–56 came into operation as from 8th November, 1955, and the further reduction thereafter as from 7th March 1956, but the further reduction is not binding on the Governments of the Netherlands, the United Kingdom, Panama, South Africa, Norway, Japan, U.S.A. and Canada, who lodged objections within the prescribed period.
visions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 in the season 1955–56 and 13,000 thereafter, * * * notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e)² Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

- Blue whales 70 feet (21.3 metres)
- Sei whales 40 feet (12.2 metres)
- Humpback whales 35 feet (10.7 metres)

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to

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² Note.—Paragraph (e) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (f) consequently becomes paragraph (e).
factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged as 77 feet.

10. (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.
(c) Each Contracting Government shall declare for all land stations under its jurisdiction, and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject

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Note.—This sub-paragraph 10 (c) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.
to the regulations governing the operation of land stations under
the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used
during a season in any waters south of 40° South Latitude for
the purpose of treating baleen whales, in any other area for the
same purpose within a period of one year from the termination
of that season.

12. (a) It is forbidden to use a factory ship or a land station
for the purpose of treating any whales (whether or not killed by
whale catchers under the jurisdiction of a Contracting Govern-
ment) the killing of which by whale catchers under the jurisdiction
of a Contracting Government is prohibited by the provisions of
paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule.

(b) All other whales (except minke whales) taken shall be
delivered to the factory ship or land station and all parts of such
whales shall be processed by boiling or otherwise, except the
internal organs, whale bone and flippers of all whales, the meat
of sperm whales and of parts of whales intended for human food
or feeding animals.

(c) Complete treatment of the carcases of “Dauhval” and
of whales used as fenders will not be required in cases where the
meat or bone of such whales is in bad condition.

13. (a) The taking of whales for delivery to a factory ship
shall be so regulated or restricted by the master or person in
charge of the factory ship that no whale carcase (except of a whale
used as a fender, which shall be processed as soon as is reasonably
practicable) shall remain in the sea for a longer period than thirty-
three hours from the time of killing to the time when it is hauled
up for treatment.

(b) Whales taken by all whale catchers, whether for factory
ships or land stations, shall be clearly marked so as to identify
the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a
factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken
(2) Its species, and
(3) Its marking effected pursuant to subparagraph (b) of
this paragraph.

(d) The information reported by radio pursuant to sub-
paragraph (c) of this paragraph shall be entered immediately in
a permanent record which shall be available at all times for
examination for the whaling inspectors; and in addition there
shall be entered in such permanent record the following informa-
tion as soon as it becomes available:
(1) Time of hauling up for treatment,
(2) Length, measured pursuant to sub-paragraph (d) of paragraph 9,
(3) Sex,
(4) If female, whether milk-filled or lactating,
(5) Length and sex of foetus, if present, and
(6) A full explanation of each infraction.

(c) A record similar to that described in sub-paragraph (d) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, is ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:
(a) The name and gross tonnage of each factory ship
(b) The number and aggregate gross tonnage of the whale catchers
(c) A list of the land stations which were in operation during the period concerned.

17. (a) A factory ship which operates solely within territorial
waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South Latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:

1. On the coast of Madagascar and its dependencies
2. On the west coasts of French Africa
3. On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.\(^5\)

18. (1) The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth, i.e. any whale other than a toothed whale.

"blue whale" \((Balaenoptera or Sibbaldus musculus)\) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"dauhval" means any unclaimed dead whale found floating.

\(^5\) Note.—This paragraph 17 was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;
(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.
"fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde’s whale (B. brydei).

"sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"toothed whale" means any whale which has teeth in the jaws.

(2) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

* * * * * * * *

B. North Atlantic

   Statutes of the Council as revised 1950

a. Note. This Council was the first of the fishery conservation organizations. Its primary interest is in the North Sea and the Baltic stocks. Its first meeting was in Copenhagen in 1902. It gives scientific advice to the parties
to the 1946 Overfishing Convention, infra, as well as to its own members. It served as a basis for subsequent conservation efforts. For an illuminating survey of the problems of conservation and the organizations for conservation, see Herrington and Kask, A/Conf. 10/7, pages 145–166 (1956). For the text of the Convention for Regulating the Police of the North Sea Fisheries, to which this Council is closely related, see U. N. Leg. Series I, (1951), at pages 179–185. The text below is taken from the Council's own publication.

* * * * * * *

1. STATUTES OF THE COUNCIL AS REVISED 1950

PREAMBLE. The International Council for the Exploration of the Sea is charged with the execution of the programme for the international investigation of the sea, adopted at the Conference held in Stockholm (1899) and Christiania (1901) and subsequently modified at meetings of the Council, with the approval of the participating Governments.

Its main functions are to encourage all investigations for the study of the sea and to co-ordinate the operations to this end of the participating Governments.

Its area of operation may be roughly defined as the eastern North Atlantic Ocean and contiguous or adjacent seas, including Greenlandic and Icelandic waters.

ARTICLE 1. The Council consists of Delegates appointed by the Governments interested. Each Government appoints two Delegates who may be represented at meetings by substitutes. They may be accompanied by experts who, however, are not entitled to vote.

ARTICLE 2. The votes of the participating Delegates shall be counted in such a manner that two votes shall be reckoned for each State represented on the Council, even if only one Delegate empowered to vote for any State shall be present. The resolutions shall be decided by simple majority, the vote being taken orally.

ARTICLE 3. The engagements of the participating States are effective for five years, renewable in the last year of the quinquennial period. New States may be admitted to the Council with the unanimous approval of the participating States. The engagements of the States which have entered during a quinquennial period are effective until the end of that period.

ARTICLE 4. The rates of contributions to the expenses of the Council are decided by the Governments concerned. The contributions are due on the 22nd of July of each year in respect of the ensuing financial year.

ARTICLE 5. The Estimates and the Accounts of Expenditure run from the 1st of November to the 31st of October.

ARTICLE 6. Unless and until the participating Governments decide otherwise, the seat of the Council is at Copenhagen. The
office with the necessary personnel is also at Copenhagen, and
normally the meetings of the Council are held there.

The Danish Government has undertaken, if so requested by the
Council, to be the medium of communication between the Council
and the participating States in respect of the renewal of participa-
tion of those States, the admission of new States and the receipt
of the contributions of the participating States and their payment
to the Council.

ARTICLE 7. The International Council for the Exploration of
the Sea is a deliberative body, the executive authority of which is
vested in the Bureau consisting of the President and four Vice-
Presidents appointed annually by the Council from among its
members. The Bureau is entitled to correspond directly with the
Governments of the participating States.

ARTICLE 8. Subject to the preceding articles the Council draws
up its own rules of procedure.

[Rules of Procedures as revised 1950 and Appendices omitted.]

2. Convention for the Regulation of Meshes of Fishing Nets and
the Size Limits of Fish (1946)

a. Note. A Protocol which postponed the operation of Articles 5, 8, and
9 of this Convention from 5 April 1953, date of entry into force of the
Convention, until 5 April 1954, is printed in British Command Paper No.
8815, with the text of the Convention as an Appendix. The text below is
taken from this Appendix. The following States, in the order of deposit of
their ratification, became parties at the times indicated: United Kingdom,
1 July, 1946; Eire, 2 January, 1950; Belgium, 9 May, 1951; Denmark, 11
April, 1947; France, 19 January, 1949; Iceland, 7 September, 1951; Nether-
lands, 10 January, 1948; Norway, 21 July, 1947; Poland, 22 January, 1947;
Portugal, 13 July, 1950; Spain, 5 February, 1953; Sweden, 7 August, 1946.
The text is also reprinted in Cmd. 9704, Treaty Series No. 8, 1956.

*   *   *   *   *   *   *

b. CONVENTION FOR THE REGULATION OF THE MESHES OF
FISHING NETS AND THE SIZE LIMITS OF FISH

London, 5th April, 1946

CONVENTION

PREAMBLE

The Governments of Belgium, Denmark, Eire, France, Iceland,
the Netherlands, Norway, Poland, Portugal, Spain, Sweden and
the United Kingdom of Great Britain and Northern Ireland,
desiring to conclude a Convention for the Regulation of the Meshes
of Fishing Nets and the Size Limits of Fish, have agreed as
follows:—
Part I.—Extent of the Convention

Article 1

The area to which this Convention applies shall be all waters which are situated within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbierg and from Gilbierg Head to the Kullen.

Article 2

Nothing in the present Convention shall be deemed to diminish the exclusive right of vessels registered or owned in the territory of each Contracting Government to fish in waters where that Contracting Government has exclusive jurisdiction over fisheries.

Article 3

Nothing in this Convention shall be deemed to prejudice the claims of any Contracting Government in regard to the limits of territorial waters.

Part II.—Regulation of the Meshes of Fishing Nets and the Size Limits of Fish

Article 4

Subject to the provisions of Articles 8, 10 and 16(2), the provisions of this Convention shall apply to all vessels of any Contracting Government either when they are operating in the waters where that Contracting Government has exclusive jurisdiction over fisheries, or when they are operating outside such waters.

Article 5

No vessel shall carry on board or use any trawl, seine, or other net towed or hauled at or near the bottom of the sea, which has in any part of the net meshes of less dimensions than those specified in the First Annex to this Convention.

Article 6

Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, smelts, eels, great weevers (Trachinus draco), shrimps, prawns, nephrops or molluscs, may carry on board and use nets having meshes of dimensions less than those so specified: provided that (a) any fishing instruments used by such
vessels for the capture of any of the fish described in this Article shall not be used for the purpose of capturing other kinds of fish; and (b) any fish of the descriptions set out in the Second Annex to this Convention which may be captured by such instruments and are of less than the minimum sizes prescribed therein shall be returned to the sea immediately after capture.

**Article 7**

(1) No vessel while operating shall use any device by means of which the mesh in any part of a fishing net to which Article 5 of this Convention applies is obstructed or otherwise in effect diminished.

(2) Notwithstanding the provisions of the foregoing paragraph, it shall not be deemed to be unlawful to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear and tear.

**Article 8**

No vessel shall retain on board any sea fish of the descriptions set out in the Second Annex to this Convention, of a less size than the size prescribed therein for each fish, and all such fish shall be returned immediately to the sea; provided that they may be retained on board for the purpose of transplantation to other fishing grounds.

**Article 9**

Each Contracting Government undertakes to prohibit by regulations the landing, sale, exposure or offer for sale, in its territories of any sea fish of the descriptions set out in the Second Annex to this Convention which are of a less size than the size prescribed therein for each fish and have been caught in the waters defined in Article 1 of this Convention, whether such fish are whole or have had their heads or any other part removed.

**Article 10**

The provisions of this Convention shall not apply to fishing operations conducted for the purposes of scientific investigation, or to fish taken in the course of such operations, but fish so taken shall not be sold, or exposed or offered for sale in contravention of the provisions of Article 9.

**Article 11**

The Contracting Governments agree to take, in their territories and in regard to their vessels, to which this Convention applies, appropriate measures to ensure the application of the provisions
of this Convention and the punishment of infractions of the said provisions.

Part III.—Constitution of Permanent Commission

Article 12

(1) The Contracting Governments undertake to set up a permanent Commission to which each of them shall appoint one or if they so desire two delegates.

(2) The Commission shall elect its own President either from among the delegates or from independent nominees. If a delegate has been elected President he shall forthwith cease to be the delegate of his Government and that Government shall have the right to appoint another person to serve as its delegate.

(3) The Commission shall draw up its own rules of procedure including provisions for the term of office of the President and the election of subsequent Presidents and such rules may be altered or amended from time to time by a majority of the delegates of Contracting Governments who are present and vote. Only in the case of an even division of votes on any such matter shall the President have a casting vote and it shall be decisive.

(4) For the purpose of voting on all matters within the scope of this article each Contracting Government shall possess one vote, whether it has appointed one delegate or two, but the vote may be exercised by either delegate.

(5) It shall be the duty of this Commission to consider whether the provisions of this Convention should be extended or altered. For this purpose the Commission shall where practicable consult the International Council for the Exploration of the Sea.

(6) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to call the first meeting of this Commission in the United Kingdom within two years from the coming into force of this Convention, and to call subsequent meetings at the request of the President at such time and in such places as the Commission shall decide.

(7) There shall be a meeting of the Commission not less than once in every three years.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to communicate the agenda for the first meeting to all other Contracting Governments not less than one month before the date of the meeting.

(9) Reports of the proceedings of the Commission shall be transmitted by the President of the Commission to the Government of the United Kingdom of Great Britain and Northern Ireland,
which shall in turn communicate them to all the Governments which have ratified or acceded to this Convention.

(10) The Contracting Governments undertake to give effect to any recommendation of the Commission for the extension or alteration of this Convention which has been carried unanimously at a meeting of the Commission and accepted by all Contracting Governments not represented at the meeting.

ARTICLE 13

(1) For the purposes of this Convention the expression “vessel” means—
(a) any vessel or boat employed in fishing for sea fish or in the treatment of sea fish; or
(b) any vessel or boat used partly or wholly for the purpose of the transport of sea fish registered or owned in the territories of any Contracting Government.

(2) The expression “territories” denotes in relation to any Contracting Government—
(a) its metropolitan territory;
(b) any territory in respect of which action has been taken by the Contracting Government under Article 16; and
(c) the waters where the Contracting Government has exclusive jurisdiction over fisheries.

ARTICLE 14

This Convention shall be ratified as soon as possible and shall come into force ¹ two months after the deposit of instruments of ratification by all the Governments which have signed the Convention, or upon such earlier date as may be agreed between any Governments which may ratify or accede to it under Article 15 in respect of those Governments.

ARTICLE 15

(1) Any Government (other than the Government of a territory to which Article 16 applies) which has not signed this Convention may accede thereto at any time after it has come into force in accordance with Article 14. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect immediately after the date of its receipt.

(2) The Government of the United Kingdom will inform all the

¹ 5th April, 1953, with the exception of Articles 5, 8 and 9.
Governments which have signed or acceded to the present Convention of all accessions received and the date of their receipt.

Part IV.—General

Article 16

(1) A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present Convention shall apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, and this Convention shall apply to all the territories named in such declaration, and to vessels registered or owned therein three months after the receipt of the declaration by the Government of the United Kingdom.

(2) In the absence of such declaration, the Convention shall not apply to any such territory.

(3) A Contracting Government may at any time, by a notification in writing addressed to the Government of the United Kingdom, express its desire that the present Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under mandate or trusteeship, to which the present Convention shall have been made applicable under the provisions of paragraph (1) of this article, and the Convention shall cease to apply to the territories named in the notification and to vessels registered or owned therein three months after the receipt of the notification by the Government of the United Kingdom.

(4) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of any declaration or notification received under paragraphs (1) and (3) of this article stating in each case the date from which the present Convention has become or will cease to be applicable to the territory or territories specified in the declaration or notification, as the case may be.

Article 17

As from the date of the coming into force of this Convention, the provisions of the International Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, signed in London on the 23rd March 1937, shall, as far as they have been

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2 Miscellaneous No. 5 (1937), Cmd. 5494.
or are applied by any Contracting Government which was a party to that Convention, be replaced by the provisions of this Convention.

**Article 18**

After the expiration of three years from the date of its coming into force in accordance with Article 14, this Convention may be denounced by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland. The denunciation shall take effect in respect of the Government by which it is made three months after the date of its receipt, and will be notified to the Contracting Governments by the Government of the United Kingdom.

In witness whereof the undersigned, duly authorized thereto, have signed the present Convention.

Done in London the 5th day of April, 1946, in a single copy in the English language. A French text of the Convention shall be prepared and after approval by all the signatory Governments shall be regarded as being of equal validity to the English text. Both texts of the Convention shall thereupon be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland.

Certified copies of the Convention shall be communicated to the signatory and acceding Governments.

[Signatures omitted]

**ANNEX I**

(1) In all waters covered by the Convention, as defined in Article 1 and Article 4, except as provided in paragraph (2) below, the minimum size of mesh for nets referred to in Article 5 shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 80 mm. broad and 2 mm thick shall pass through it easily when the net is wet.

(2) In the waters situated north of 66 degrees north latitude and east of the meridian of Greenwich and in Icelandic waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude, the minimum size of mesh for nets referred to in Article 5 shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 110 mm. broad and 2 mm. thick shall pass through it easily when the net is wet.

**ANNEX II**

The fish to which Articles 6, 8 and 9 of this Convention apply
and the sizes below which such fish may not be retained on board, landed, or sold and exposed or offered for sale are as follows:

<table>
<thead>
<tr>
<th>Fish</th>
<th>Cm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod (Gadus callarias)</td>
<td>30</td>
</tr>
<tr>
<td>Haddock (Gadus aeglefinus)</td>
<td>27</td>
</tr>
<tr>
<td>Hake (Merluccius merluccius)</td>
<td>30</td>
</tr>
<tr>
<td>Plaice (Pleuronectes platessa)</td>
<td>25</td>
</tr>
<tr>
<td>Witches (Glytocephalus cynoglossus)</td>
<td>28</td>
</tr>
<tr>
<td>Lemon soles (Microstomus kitt)</td>
<td>25</td>
</tr>
<tr>
<td>Soles (Solea solea)</td>
<td>24</td>
</tr>
<tr>
<td>Turbot (Scophthalmus maximus)</td>
<td>30</td>
</tr>
<tr>
<td>Brill (Scophthalmus rhombus)</td>
<td>30</td>
</tr>
<tr>
<td>Megrims (Lepidorhombus whiff)</td>
<td>25</td>
</tr>
<tr>
<td>Whitings (Gadus merlangus)</td>
<td>20</td>
</tr>
<tr>
<td>Dabs (Pleuronectes limanda)</td>
<td>20</td>
</tr>
</tbody>
</table>

3. **International Convention for the North-West Atlantic Fisheries (1949)**

a. **Note.** Prior to this Convention, there was a North American Council on Fishery Investigations, which was active from 1920 to 1938, and which was organized by Canada, Newfoundland, the United States and France, for coordinating research on the area. The 1949 Convention entered into force on 3 July 1950. As of October 31, 1955, Canada, Denmark, France with a declaration, Iceland, Italy, Norway, Portugal, Spain with a declaration, the United Kingdom, and the United States had become parties. *Treaties in Force*, page 160. The Federal Republic of Germany adhered to the Convention on 27 June 1957. The text may be found in 1 UST 477; TIAS 2089, and 157 UNTS 157. The Convention was signed at Washington, 8 February 1949; ratification was advised by the Senate, 17 August 1949; ratified by the President, 1 September 1949; deposited by the United States, 1 September 1949; and proclaimed by the President, 17 July 1950. The text is also reprinted in 45 *A.J.I.L.*, Supp., 1951, pages 40–50. The text below is taken from *British Command Paper No. 8071*. A Protocol amending the Convention in order to permit the holding of annual meetings outside of North America was signed at Washington, 25 June 1956. As of August 1957, it is not yet in force. It awaits ratifications by France. All other parties have ratified, and the Federal Republic of Germany has adhered.

b. **INTERNATIONAL CONVENTION FOR THE NORTH-WEST ATLANTIC FISHERIES**

   *Washington, 8th February, 1949*

   The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the North-West Atlantic Ocean, have resolved to conclude a Convention for the investigation, protection and conservation of the fisheries of the North-West
Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

**ARTICLE I**

1. The area to which this Convention applies, hereinafter referred to as 'the Convention area,' shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence due south to 39° 00' north latitude; thence due east to 42° 00' west longitude; thence due north to 59° 00' north latitude; thence due west to 44° 00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southward to a point in 75° 10' north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° 00' north latitude and 59° 00' west longitude; thence due south to 61° 00' north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

**ARTICLE II**

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the North-West Atlantic Fisheries, hereinafter referred to as 'the Commission.'

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.
3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

**Article III**

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The Staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

**Article IV**

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two
years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (Gadiformes), or flatfishes (Pleuronectiformes), and of rosefish (genus Sebastes), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

**Article V**

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the North-West Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

**Article VI**

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary
for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently—

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the North-West Atlantic Ocean;

(b) collect and analyse statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the North-West Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the North-West Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government, which shall inform the Contracting Government, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1 (b) of this Article.

**ARTICLE VII**

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and
investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

**Article VIII**

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals for joint action by the Contracting Governments designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:
   
   (a) establishing open and closed seasons;
   (b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;
   (c) establishing size limits for any species;
   (d) prescribing the fishing gear and appliances the use of which is prohibited;
   (e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either—

   (a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or
   (b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.
5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Governments of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

**Article IX**

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

**Article X**

1. The Commission shall seek to establish and maintain working arrangements with other public international organisations which have related objectives, particularly the Food and Agriculture
Organisation of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and co-ordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialised agency of the United Nations.

ARTICLE XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI, or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which the Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the
Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

**Article XII**

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

**Article XIII**

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

**Article XIV**

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

**Article XV**

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the 'Depositary Government.'

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, and shall enter into force with respect to each Government which
subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

**Article XVI**

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

**Article XVII**

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done in Washington this eighth day of February, 1949, in the English language.

[Signatures omitted.]
ANNEX

1. The sub-areas provided for by Article 1 of this Convention shall be as follows:—

Sub-area 1.—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

Sub-area 2.—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15' north latitude.

Sub-area 3.—That portion of the Convention area lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4.—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44° 46' 35.34" north latitude, 66° 54' 11.23" west longitude; thence due south to the parallel of 43° 50' north latitude; thence due west to the meridian of 67° 40' west longitude; thence due south to the parallel of 42° 20' north latitude; thence due east to a point in 66° 00' west longitude; thence along a rhumb line in a south-easterly direction to a point in 42° 00' north latitude, 65° 40' west longitude; thence due south to the parallel of 39° 00' north latitude.

Sub-area 5.—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:—
(a) Sub-area 1—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;
(b) Sub-area 2—Denmark, France, Italy, Newfoundland;
(c) Sub-area 3—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;
(d) Sub-area 4—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;
(e) Sub-area 5—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

C. Mediterranean

1. Agreement for the Establishment of a General Fisheries Council for the Mediterranean (1949)

   a. Note. There is an earlier conservation organization for this area, the International Commission for the Scientific Exploration of the Mediterranean, which was organized in 1919, and is still in existence. The 1949 Convention, sponsored by the Food and Agriculture Organization of the United Nations, entered into force on 20 February, 1952, after acceptance by Italy, the United Kingdom, Egypt, Yugoslavia, and Israel. Subsequently, Greece, France, Spain, Morocco, Tunisia, and Turkey have deposited acceptances. United Kingdom Supplementary Lists, supra, 1947–1955, and Status Table of 28 August 1956, which was furnished to the Editor by The Food and Agriculture Organization, the depositary. The text below is taken from the translation appearing in British Command Paper No. 8508. The text may also be found in 126 UNTS 237.

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[Translation]

b. GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN AGREEMENT

Rome, 24th September, 1949

PREAMBLE

The Governments of France, Greece, Italy, the Lebanon, Turkey, the United Kingdom and Yugoslavia, Members of the Food and Agriculture Organization of the United Nations, having a mutual
interest in the development and proper utilization of the resources of the Mediterranean and contiguous waters, and desiring to further the attainment of their objectives through international co-operation which would be furthered by the establishment of a General Fisheries Council for the Mediterranean, agree as follows:—

**ARTICLE I**

**THE COUNCIL**

1. The contracting Governments agree to establish a Council to be known as the General Fisheries Council for the Mediterranean, hereinafter referred to as the Council, for the purpose of exercising the functions and discharging the responsibilities set forth in Article III below.

2. The Members of the Council shall be the Governments which accept this Agreement in accordance with the provisions of Article VIII below.

**ARTICLE II**

**ORGANIZATION**

1. Each Member Government shall be represented at sessions of the Council by one delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Council by alternates, experts and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each Member Government shall have one vote. Decisions of the Council shall be taken by a simple majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall elect a Chairman and two Vice-Chairmen.

4. The Council shall determine the frequency, dates and place of its sessions, form such committees as it deems desirable, and establish rules governing its procedure.

5. The Chairman shall call a session of the Council at least once a year, unless directed otherwise by a majority of the Member Governments. The initial session shall be called by the Food and Agriculture Organizations of the United Nations within six months after the entry into force of this Agreement and at such place as it may designate.

6. The seat of the Council shall be at the seat of the European Regional Office of the Food and Agriculture Organization of the United Nations, now at Rome, Italy.
7. The Food and Agriculture Organization of the United Nations shall provide the Secretariat for the Council.

**ARTICLE III**

**FUNCTIONS**

The Council shall have the following functions and responsibilities:

(a) To formulate all oceanographical and technical aspects of the problems of development and proper utilization of aquatic resources;

(b) To encourage and co-ordinate research and the application of improved methods employed in fishery and allied industries with a view to the utilisation of aquatic resources;

(c) To assemble, publish or otherwise disseminate all oceanographical and technical information relating to aquatic resources;

(d) To recommend to Member Governments such national and international research and development projects as may appear necessary or desirable to fill gaps in such knowledge;

(e) To undertake, where appropriate, co-operative research and development projects directed to this end;

(f) To propose, and where necessary to adopt, measures to bring about the standardisation of scientific equipment, techniques and nomenclature;

(g) To make comparative studies of the fishery legislation of different countries with a view to making recommendations to its Member Governments respecting the greatest possible coordination;

(h) To encourage research into the hygiene and prevention of the diseases peculiar to the calling of fishermen;

(i) To extend its good offices in assisting Member Governments to secure essential materials and equipments;

(j) To report upon such questions relating to all oceanographical and technical problems as may be recommended to it by Member Governments or by the Food and Agriculture Organization of the United Nations and, if it thinks proper to do so, by other international, national or private organizations, with related interests;

(k) To report annually upon its activities to Member Governments and to the Conference of the Food and Agriculture Organization of the United Nations; and to make such other reports to the Food and Agriculture Organization of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.
Article IV
Area
The Council shall carry out the functions and responsibilities set forth in Article III in the Mediterranean waters as they are geographically described. If, however, the Council contemplates studies outside this area, it shall make the necessary arrangements with the Governments and Organizations concerned, in conformity with paragraph (j) of Article III.

Article V
Co-operation with International Organizations
1. The Council shall co-operate closely with other international organizations in matters of mutual interest.
2. The Council shall, if it so deems opportune and useful, entrust to the international bodies referred to above those responsibilities set forth in Article III which are of a scientific nature.

Article VI
Expenses
1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at meetings of the Council shall be determined and paid by their respective Governments.
2. The expenses of the Secretariat, including publications and communications, and the expenses incurred by the Chairman and Vice-Chairman of the Council, when performing duties on behalf of the Council between Council sessions, shall be determined and paid by the Food and Agriculture Organization of the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that Organization.
3. The expenses of research and development projects undertaken by individual members of the Council, whether independently or upon recommendation of the Council, shall be determined and paid by the Governments concerned.
4. The expenses incurred in connexion with co-operative research or development projects undertaken in accordance with the provisions of Article III, paragraphs (d) and (e), unless otherwise available, shall be determined and paid by the Member Governments in the form and proportion to which they shall mutually agree.

Article VII
Amendments
Any amendment of this Agreement shall require the approval
of a two-thirds majority of all the Members of the Council. An exception to this rule is made in the following cases:—

(1) Amendments to the Agreement enlarging the functions of the Council require the approval of the Conference of the Food and Agriculture Organization of the United Nations in addition to approval by a two-thirds majority of all the Members of the Council;

(2) Amendments to the Agreement enlarging the powers of the Council to incur expenses to be borne by the Food and Agriculture Organization of the United Nations, shall require the approval of a two-thirds majority of all the Members of the Council and of the Director-General of the Food and Agriculture Organization of the United Nations.

**Article VIII**

**Acceptance**

1. This Agreement shall be open to acceptance by Governments which are members of the Food and Agriculture Organization of the United Nations.

2. This Agreement shall also be open to acceptance by Governments which are not members of the Food and Agriculture Organization of the United Nations with the approval of its Conference and of two-thirds of the Members of the Council. Participation by such Governments in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat, as determined by the Council and approved by the Food and Agriculture Organization Conference.

3. The notifications of acceptance of this Agreement shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned of their receipt.

**Article IX**

**Entry into Force**

1. This Agreement shall enter into force as from the date of receipt of the fifth notification of acceptance.

2. Notifications of acceptance received after the entry into force of this Agreement shall take effect on the date of their receipt by the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned and the Council of their receipt.
Any Member Government may denounce this Agreement after the expiration of two years from the date upon which the Agreement entered into force with respect to that Government by giving written notice of its withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned and the Council of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

Drafted at Rome this twenty-fourth day of September one thousand nine hundred and forty-nine, in the French language, in a single copy which shall be deposited in the archives of the Food and Agriculture Organization of the United Nations, which shall furnish certified copies thereof to the Member Governments of the Food and Agriculture Organization of the United Nations.

D. Indo-Pacific

1. Agreement for the Establishment of an Indo-Pacific Fisheries Council (1948)

a. Note. The Agreement for this Council, also sponsored by the Food and Agriculture Organization of the United Nations, entered into force on 9 November 1948, after acceptances by France, the Philippines, the United States, Thailand, and India. Subsequently, the Netherlands, Burma, China, Ceylon, the United Kingdom, Australia, Pakistan, Korea, Indonesia, Cambodia, Viet-Nam, and Japan have become parties as of October 31, 1955. China withdrew from the Food and Agriculture Organization on 20 July 1951, and does not participate in the Council. Treaties in Force, page 160. A Status Table as of 28 August 1956, furnished to the Editor by the F.A.O., does not list China as a member of the Council. The text may be found in 62 Stat. (3) 3711; TIAS 1895; 120 UNTS 59; and British Command Paper No. 7845. The text below is taken from the Revised Edition, January 1954, published by the Food and Agriculture Organization. A Revision of the Agreement, prepared at the Sixth Session of the Council, entered into force 31 October 1955 (TIAS 3674).

b. AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL (1948)

PREAMBLE

The Governments of Burma, China, India, the Netherlands, the Republic of the Philippines, the United Kingdom and the United
States of America, members of the Food and Agriculture Organization of the United Nations, having a mutual interest in the development and proper utilization of the living aquatic resources of the Indo-Pacific Areas, and desiring to further the attainment of these ends through international cooperation by the establishment of an Indo-Pacific Fisheries Council agree as follows:

**Article I**

**The Council**

1. The contracting Governments agree to establish a Council, to be known as the Indo-Pacific Fisheries Council, for the purpose of carrying out the functions and duties hereinafter set forth in Article III.

2. The members of the Council shall be the Governments which accept this Agreement in accordance with the provisions of Article IX thereof.

**Article II**

**Organization**

1. Each Member Government shall be represented at meetings of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Council by alternates, experts and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each Member Government shall have one vote. Decisions of the Council shall be taken by a single majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall elect a Chairman and a Vice-Chairman who with the immediately retiring Chairman shall constitute the Executive Committee.

4. The Council shall determine the frequency, dates and places of its meetings, and establish rules governing its procedure.

5. The Chairman shall call a meeting of the Council at least once in every year, unless directed otherwise by a majority of the member Governments. The initial meeting shall be called by the Food and Agriculture Organization of the United Nations within six months after the entry into force of this Agreement and at such place as it may designate.

6. The seat of the Council shall be at the seat of the Regional Office of the Food and Agriculture Organization of the United Nations most conveniently situated within the area defined in
Article IV. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

7. The Food and Agriculture Organization of the United Nations shall provide the Secretariat for the Council and shall appoint its Secretary.

**ARTICLE III**

**FUNCTIONS**

The Council shall have the following functions and duties:—

(a) To formulate the oceanographical, biological and other technical aspects of the problems of development and proper utilization of living aquatic resources;

(b) To encourage and coordinate research and the application of improved methods in every day practice;

(c) To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;

(d) To recommend to member Governments such national or co-operative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;

(e) To undertake, where appropriate, co-operative research and development projects directed to this end;

(f) To propose, and where necessary to adopt, measures to bring about the standardization of scientific equipment, techniques and nomenclature;

(g) To extend its good offices in assisting Member Governments to secure essential material and equipment;

(h) To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by Member Governments or by the Food and Agriculture Organization of the United Nations and other international, national or private organizations with related interests;

(i) To report annually to the Conference of the Food and Agriculture Organization of the United Nations upon its activities for the information of the Conference; and to make such other reports to the Food and Agriculture Organization of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.

**ARTICLE IV**

**AREA**

The Council shall carry out the functions and duties set forth in Article III in the Indo-Pacific area.
ARTICLE V.
CO-OPERATION WITH INTERNATIONAL BODIES

The Council shall co-operate closely with other international bodies in matters of mutual interest.

ARTICLE VI
EXPENSES

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at meetings of the Council shall be determined and paid by their respective Governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman, Vice-Chairman and the immediately retired Chairman of the Council, when performing duties connected with its work during intervals between its meetings, shall be determined and paid by the Food and Agriculture Organization of the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that Organization.

3. The expenses of research or development projects undertaken by individual members of the Council, whether independently or upon the recommendation of the Council, shall be determined and paid by their respective Governments.

4. The expenses incurred in connection with co-operative research or development projects undertaken in accordance with the provisions of Article III, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the Member Governments in the form and proportion to which they shall mutually agree.

ARTICLE VII
AMENDMENTS

Any proposal for amending this Agreement shall require the approval of a two-thirds majority of all the Members of the Council. An exception to this rule is made in the following cases:

(1) Amendments to the Agreement extending the functions of the Council require the approval of the Conference of the Food and Agriculture Organization of the United Nations in addition to approval of a two-thirds majority of all the Members of the Council;

(2) Amendments of the Agreement extending the powers of the Council to incur expenses to be borne by the Food and Agriculture Organization of the United Nations, shall require the approval by a two-thirds majority of all the Members of the
Council and of the Director-General of the Food and Agriculture Organization of the United Nations.

**Article VIII**

**Acceptance**

1. This Agreement shall be open to acceptance by Governments which are members of the Food and Agriculture Organization of the United Nations.

2. This Agreement shall also be open to acceptance by Governments which are not members of the Food and Agriculture Organization of the United Nations, with the approval of the Conference of the Food and Agriculture Organization of the United Nations and of two-thirds of the members of the Council. Participation by such Governments in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat, as determined by the Council and approved by the Food and Agriculture Organization Conference.

3. The notifications of acceptance of this Agreement shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned of their receipt.

**Article IX**

**Entry into Force**

1. This Agreement shall enter into force upon the date of receipt of the fifth notification of acceptance.

2. Notifications of acceptance received after the entry into force of this Agreement shall take effect on the date of their receipt by the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of their receipt.

**Article X**

**Withdrawal**

Any Member Government may withdraw from this Agreement, at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Government by giving written notice of such withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of such withdrawal. Notice of withdrawal shall become effective three months from the date of their receipt by the Director-General.
Formulated at Baguio this 26th day of February, one thousand nine hundred and forty-eight, in the English language, in a single copy which shall be deposited in the archives of the Food and Agriculture Organization of the United Nations which shall furnish certified copies thereof to the Governments members of the Food and Agriculture Organization of the United Nations.

E. North Pacific

1. Fur Seals. Note on Agreements

A Convention for the protection of fur seals between Canada, Japan, Russia, and the United States became effective on 15 December 1911. III Redmond 2966; 37 Stat. 1542. On October 23, 1940, Japan denounced the Convention which denunciation, under Article XVI thereof, became effective twelve months later. 3 Department of State Bulletin 412 (July–December 1940). In 1942, the United States and Canada entered into a similar agreement between themselves, effective 30 May 1944 but operative from 1 June 1942. Treaties in Force, Page 25. The text of this Provisional Fur Seal Agreement is printed in U. N. Leg. Series I (1951) at page 222. The national legislation of Canada and the United States giving effect to this Agreement is printed, Ibid., at pages 224 and 227, respectively. The Agreement may be found also in 58 Stat. 1379, and 26 UNTS 363. This Agreement was extended by an Exchange of Notes on 26 December 1947. 62 Stat. (2) 1821, and 27 UNTS 29.

An Agreement relating to programs of research concerning fur seals of the North Pacific Ocean, to which the U.S.S.R. was invited to become a party, entered into force for Japan and the United States on 8 February 1952, and for Canada on 1 March 1952. The texts of the Exchanges of Notes consummating the Agreement may be found in 3 U.S.T. (3) 3896; and TIAS 2521. An Interim Convention on conservation of North Pacific fur seals was signed at Washington 9 February 1957 by Canada, Japan, the U.S.S.R., and the United States. As of August 1957, it had not entered into force. The text of the Interim Convention appears in the Bulletin of the Department of State, 4 March 1957, page 377 et seq. As of October 1957, the United States and Canada have deposited their ratifications.

2. Sockeye Salmon. Note on Agreements

The United States and Canada signed at Washington 26 May 1930 the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Frazer River System. The Convention entered into force on 28 July 1937. 50 Stat. 1355; IV Trenwith 4002. The text of the Convention has also been reprinted in U. N. Leg. Series I, (1951), page 195. The ratification of the United States was subject to “understandings”. IV Trenwith 4007; U. N. Leg. Series I, (1951), page 199. The national legislation of Canada and the United States giving effect to the Convention is printed, Ibid., at pages 200 and 201, respectively. A supplementary Agreement relating to the ascent of salmon in the Frazer River System entered into force on 5 August 1944 through an Exchange of Notes. 59 Stat. 1614; 121 UNTS 299. Negotiations are scheduled in the fall of 1956 for a similar convention with respect to pink salmon, not now covered by any fishery agreement. The New York Times, 5 August 1956, page 22, column 1. It has been reported that fishing by mile-long nets outside territorial waters of both

3. **International Convention for the High Seas Fisheries of the North Pacific Ocean (1952) with Annex and Protocol**

   a. *Note.* This Convention, between the United States, Canada and Japan, entered into force 12 June 1953. It was signed at Tokyo 9 May 1952; ratification advised by the Senate 4 July 1952; ratified by the President 30 July 1952; ratified by Canada and Japan 15 May and 9 June 1953, respectively; ratifications exchanged at Tokyo 12 June 1953; and proclaimed by the President 30 July 1953. See Allen, *A New Concept for Fishery Treaties*, 46 *A.J.I.L.* 319 (1952); Selak, *The Proposed International Convention for the High Seas Fisheries of the North Pacific Ocean*, 46 *Ibid.* 323 (1952); and Bishop, *The Need for a Japanese Fisheries Agreement*, 45 *Ibid.* 712 (1951). The text may be found in 4 *U.S.T.* 380 and *TIAS* 2786, the latter being used for the reprinting herein. The text may also be found in 48 *A.J.I.L.*, *Supp.*, 1954, pages 71–81.

   b. **INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN (1952)**

   The Governments of the United States of America, Canada and Japan, whose respective duly accredited representatives have subscribed hereto,

   Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

   Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

   Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

   Therefore agree as follows:
Article I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

Article II

1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission."

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who
shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decided to be in camera.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

**Article III**

1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfills the conditions of Article IV it shall recommend (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties
participating in the fishing of such stock continue to carry out necessary conservation measures.

(c) In regard to any stock of fish in the Convention area;

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations.

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII.

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2, and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if
available, utilize the services of, and information from, any public or private institution or organization or any private individual.

ARTICLE IV

1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1, (b).

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year,

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programs based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United
States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned.

**ARTICLE V**

1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

**ARTICLE VI**

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

**ARTICLE VII**

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, Section I, or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.
Article VIII

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

Article IX

1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

Article X

1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party had agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles, and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so
engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

**Article XI**

1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of
ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

IN WITNESS WHEREOF, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

DONE in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

[Signatures omitted.]

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)
The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)
The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North America origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus kisutch, Oncorhynchus nerka, Oncorhynchus tschawytscha*)
The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below,
Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tschawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168° 58'22.59" West Longitude; thence due south to a point 65° 15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

**PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN**

The Governments of the United States of America, Canada and Japan, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of the United States of America, Canada and Japan agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable
studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1(c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of the United States of America, Canada and Japan, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

[Signatures omitted.]

4. Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (1953)

a. Note. This Convention, between the United States and Canada, entered into force 28 October 1953. It was signed at Ottawa 2 March 1953; ratification advised by the Senate 27 July 1953; ratified by the President 18 August 1953; ratified by Canada 14 October 1953; ratifications exchanged at Washington 28 October 1953; and proclaimed by the President 7 January 1954. The text may be found in 5 UST 5, and TIAS 2900, the latter being used for the reprinting herein.

This Convention replaced the Convention for the Preservation of Halibut.
b. CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERY OF THE NORTHERN PACIFIC OCEAN AND BERING SEA (1953)

The Government of the United States of America and the Government of Canada, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa, January 29, 1937 and have named as their plenipotentiaries:

[Names omitted.]

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

1. The nationals and inhabitants and fishing vessels and boats of the United States of America and Canada, respectively, are hereby prohibited from fishing for halibut (Hippoglossus) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of the United States of America and of Canada, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of Canada from fishing in the Convention waters for other species of fish during any
season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

**ARTICLE II**

1. Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

**ARTICLE III**

1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the Preservation of the Halibut Fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930, and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known as the International Pacific Halibut Commission. This Commission shall make investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting
Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the President of the United States of America and of the Governor General in Council of Canada, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, and in respect of halibut:

(a) divide the Convention waters into areas;
(b) establish one or more open or closed seasons, as to each area;
(c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
(d) during both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
(e) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
(f) fix the size and character of halibut fishing appliances to be used in any area;
(g) make such regulations for the licencing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;
(h) close to all taking of halibut such portion or portions of an area or areas as the International Halibut Commission finds
to be populated by small, immature halibut and designates as nursery grounds.

**ARTICLE IV**

The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

**ARTICLE V**

1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

IN WITNESS WHEREOF the respective plenipotentiaries have signed and sealed this Convention.

DONE at Ottawa in duplicate, in the English language, this second day of March 1953.

[Signatures omitted.]

**F. Western Pacific**

1. **INTRODUCTORY NOTE.** Documents with respect to developments in this area are difficult to acquire. Japan as a leading fishing nation is involved in most, if not all, the problems of the area. *The New York Times*, 11 June 1956, page 10, col. 1, reports release by the Japanese Foreign Ministry in its June 1956, *Information Bulletin* of a list of seizures of Japanese fishing vessels since 1947 in waters traditionally regarded as high seas. According to these statistics, the U.S.S.R. has seized 450 vessels and 3,832 persons; South Korea, 209 vessels and 2,700 persons; Communist China, 121 vessels and 1,943 persons; and Nationalist China, 50 vessels and 620 persons. Some of these vessels and persons are still detained by each of the countries. Seizures by the Soviet Union in 1955 were twice the number of any previous year, the biggest increase occurring during the month of negotiations on a peace treaty. Even after the signing of a peace treaty, reported, *infra*, (2) below, it is reported that Soviet seizures have increased. *The New York Times*, 11 November 1956, page 7, cols. 1–2. There have been no seizures by Nationalist China since a peace treaty was concluded. Seizures by Communist China have declined markedly since the conclusion of the non-governmental fishing agreement in April 1952, (3) below. On 12 June 1956, a fisheries agreement was signed by the Soviet Union, Communist China, North Korea, and North
Vietnam, which is reputedly open to other countries in the Western Pacific region. The New York Times, 13 June 1956, page 12, col. 6.


a. Note. On 21 March 1956, the Soviet Union established unilaterally a restricted fishing zone in the high seas of the Sea of Okhotsk, the western part of the Bering Sea, and part of the North Pacific. The New York Times, 22 March 1956, page 14, col. 3. The text of the decree is reprinted infra, Section VI, B, 36, b, 1. This decree sets limits on the 1956 catch. On 14 May 1956, the Soviet Union agreed to conclude a short-term fisheries agreement with Japan raising the limits for the 1956 season and replacing the unilateral restrictions. The New York Times, 15 May 1956, page 1, col. 8. On 15 May 1956, the two countries signed a long-term fisheries agreement which is to become effective when a peace treaty is signed or diplomatic relations are resumed. On 19 October 1956, the two countries reached agreement on a peace treaty. In a Joint Declaration issued on that date, Paragraph 8 stated that the long-term fisheries agreement would enter into force when both countries have ratified the Declaration. An account of the settlement and the text of the Joint Declaration may be found in The New York Times, 20 October 1956, page 1, col. 5, and page 2, cols. 4–6, respectively. The text of this treaty and annex is taken from the Fishery Information Bulletin Supplements of the N.C.A. for 25 May and 1 June 1956. The Treaty entered into force on 12 December 1956 upon the exchange of ratifications in Tokyo. The New York Times, 13 December 1956, page 3, cols. 1 and 2.

b. Treaty Between Japan and the Union of Soviet Socialist Republics Concerning Fisheries on the High Seas in the North Pacific Ocean

(Entered into force 12 December 1956)

The Government of Japan and the Government of the Union of Soviet Socialist Republics, having a common interest in the development of fisheries on a rational basis in the Northwestern Pacific, and taking into consideration their mutual responsibilities regarding conditions of the fish species and other marine animal resources and their effective utilization;

In recognition of their agreement that the maintenance of the maximum sustained productivity of fisheries in the Northwestern Pacific is of common benefit to mankind and the two Signatory Powers;

Considering that each Signatory should assume the duty on a free and equal basis to plan for the preservation and increase of the above described resources;

The two Signatories, recognizing that it is highly desirable to
promote and coordinate scientific research for the purpose of maintaining maximum sustained productivity in the fisheries with which the two Signatories are concerned;

Have, therefore, decided to conclude this Treaty and have respectively appointed Representatives for this purpose. These Representatives have agreed as follows:

**Article I**

1. The area to which this Treaty applies (hereinafter called "Treaty Area") shall be the entire waters (excluding territorial waters) of the Northwestern Pacific Ocean, including the Japan Sea, the Sea of Okhotsk, and the Bering Sea.

2. It shall be understood that no provisions of this Treaty shall affect in any way whatsoever the position of the Signatories as regards the extent of the territorial waters and their jurisdiction over fisheries [therein?].

**Article II**

1. Both Signatories agree, for the preservation and development of fish and other marine animal resources (hereinafter to be called "fishery resources"), to adopt for the Treaty Area the joint measures indicated in the Appendix to this Treaty.

2. The Appendix to this Treaty shall be considered as constituting an inseparable part of the Treaty. The word "Treaty" shall be understood to include this Appendix in its present wording or as amended in accordance with Paragraph (a) of Article IV.

**Article III**

1. In order to fulfill the objectives of the Treaty, both Signatories shall establish a Japanese-Soviet Fisheries Commission (hereinafter called "Commission").

2. The Commission shall be comprised of two National Committee Divisions; each National Committee Division shall consist of three Commissioners appointed by the Governments of the respective Signatories.

3. All resolutions, recommendations, and other decisions of the Commission shall be made only upon agreement between the National Committee Divisions.

4. The Commission shall determine the rules for the conduct of meetings and may revise them whenever necessary.

5. The Commission shall meet at least once annually and in addition may meet at the request of the Nationality Committee Division of either party. The date and place of the first meeting shall be determined by agreement between the two Signatories.
6. The Commission shall at its first meeting select a Chairman and a Vice Chairman from the two different National Committee Divisions. The Chairman and the Vice Chairman shall be selected for a term of one year. The selection of the Chairman and the Vice Chairman from the National Committee Divisions shall be accomplished in such a way that each year Signatories shall be represented in these positions on a rotation basis.

7. The official languages of the Commission shall be Japanese and Russian.

8. The expenses incurred by the Commissioners in attending Commission meetings shall be defrayed by the appointing government. The Commission shall pay the joint expenses of the Commission in accordance with the allotted charges to be borne by the two Signatories as advised by the Commission after the formality of approval and allocation by the two Signatories.

ARTICLE IV

The Commission shall carry out the following duties:

(a) At the meeting following regular annual meetings, joint measures which are being enforced at the time shall be examined for their appropriateness and, if necessary, the Appendix to this Treaty may be amended. These amendments shall be determined on a scientific basis.

(b) If, in accordance with the Appendix, a fish species requires determination of the total annual catch, the Commission shall determine the amount of annual catch for the said fish species for both Signatories and report the figure to the two Signatory Powers.

(c) In implementing this Treaty, the Commission shall determine the kind and scope of statistics and other data which each Signatory shall submit to the Commission.

(d) The Commission shall draw up and coordinate joint scientific research programs for the purpose of studying fishery resources and shall recommend these to the two Signatories.

(e) It shall submit annually to both Signatories a report of the activities of the Commission.

(f) Besides the duties indicated in the previous sections, the Commission may make recommendations to the two Signatories on problems dealing with the preservation and increase of fishery resources within the Treaty Area.

ARTICLE V

In order mutually to exchange experience concerning fishery regulation and the study and preservation of fishery resources,
both Signatories agree to carry out an exchange of men of science with experience in fisheries. These exchanges of persons shall be carried out upon agreement by the two parties for each such occasion.

**ARTICLE VI**

1. The two Signatories shall take appropriate and effective measures to carry out this Treaty.

2. When a Signatory receives notification from the Commission relative to the amount of the total annual catch as determined for the Signatory in accordance with Paragraph (b) of Article IV, it shall issue licenses or certificates to fishing vessels on this basis, and the two Signatories shall notify each other concerning the issuance of all such licenses and certificates.

3. The licenses and certificates to be issued by the two Signatories shall be written in both Japanese and Russian and shall always be carried aboard when the fishing vessel is in operation.

4. In order to make the provisions of this Treaty effective, the two signatories shall enact and enforce the necessary laws and regulations, with appropriate punishment for violations committed by their citizens, organizations, and fishing vessels; moreover, both agree to submit to the Commission a report on the measures taken by their own country concerning this matter.

**ARTICLE VII**

1. When an authorized official of either of the Signatory Parties has sufficient reason to believe that a fishing vessel of the other Signatory is actually in violation of the provisions of this Treaty, the said official may board and search the said fishing vessel in order to determine whether or not the fishing vessel is observing the provisions of this Treaty. If the ship's captain demands it, the aforesaid official must present his identification papers issued by the Signatory Government to which he belongs, which shall be written in Japanese and Russian.

2. The said official may seize the said fishing vessel or arrest an individual if he discovers facts proving violations of the provisions of this Treaty by the fishing vessel or by an individual on board, as a result of his search of the said fishing vessel.

In such case, the Signatory Power to which the said official belongs shall as soon as possible inform the other Signatory Power to which the aforesaid fishing vessel or individual belongs, of the seizure or arrest; if the two Signatories cannot agree upon a different location, the said fishing vessel or individual must be
turned over as quickly as possible at the same location to an authorized official of the Signatory Power to which they belong. If, however, the said Signatory Power which received the report is not able immediately to receive them, and if the other Signatory Power is requested, the Signatory Power which receives such request may place the said fishing vessel or individual under surveillance within its own territory, if this is mutually agreed to by the two Signatories.

3. Only the authorities of the Signatory Power to which the said fishing vessel or individual belongs may try cases arising in connection with this Treaty; furthermore, they shall have the authority to mete out punishment for these [violations]. Records and evidence proving violation shall as soon as possible be presented to the Signatory Power having the jurisdictional right to try the case.

**ARTICLE VIII**

1. This Treaty shall come into force on the effective date of a Peace Treaty between Japan and the Union of Soviet Socialist Republics or on the date of resumption of diplomatic relations.

2. Either of the Signatories may inform the other Signatory of its intention to abrogate this Treaty at any time after a period of ten years following the date on which this Treaty comes into force. If such notification is given, this Treaty shall terminate one year after the date on which the abrogation notification was received by the other Signatory Power.

IN WITNESS WHEREOF, the Undersigned Representatives have signed the present Treaty.

DONE at Moscow, in duplicate, in the Japanese and Russian languages, each text having equal authenticity, this [fifteenth] day of May, 1956.

[Signatures omitted.]

* * * * * * * *

**ANNEX TO THE TREATY**

Between Japan and the Union of Soviet Socialist Republics Concerning Fisheries on the High Seas in the North Pacific Ocean (1956)

Both Signatories agree to regulate the catch of the following fish and other marine animals in the Treaty Area:

1. Salmon
   Salmon (*Oncorhynchus keta*)
   Trout (*Oncorhynchus gorbusha*)
Silver salmon (*Oncorhynchus kisutch*)
Red salmon (*Oncorhynchus nerka*)
King salmon (*Oncorhynchus tschawytshcha*)

(a) The area in which the regulations will be enforced shall be the Japan Sea north of north latitude 45° and the North-western Pacific (including the Okhotsk and Bering Seas) divided into east and south by a line running southeast from Cape Navarin to the intersection of north latitude 55° and west longitude 175° south to the intersection of north latitude 45° and west longitude 175°, thence running westerly to the intersection of north latitude 45° and east longitude 155°, and then southwesterly to the island of Aki-yuri-shima.

(b) For the 1956 fishing season, fisheries on the sea with mobile fishing equipment shall be prohibited in treaty waters 40 miles from the coastline of islands or continental coasts belonging to either Signatory within the area indicated in (a).

The aforesaid prohibited area shall be reexamined by the Commission as soon as possible on the basis of future research data.

Within the aforesaid prohibited area, in the area adjacent to Hokkaido the aforesaid provision prohibiting fisheries on the sea with mobile fishing equipment shall not apply to small Japanese fishing boats.

(c) The total catch shall be determined by the Commission. The total catch for the first year the Treaty is put into force shall be determined at the first meeting of the Commission.

(d) Concerning mother-ship type fisheries, the annual catch (based on the gross weight of the fish) per ship shall not exceed 300 metric tons and 150 metric tons for fishing vessels and research vessels respectively.

The total catch of all the fishing vessels and research vessels belonging to one mother-ship shall not exceed the total catch stipulated for one mother-ship. Within the limits of the said total catch, the catch of individual fishing vessels and research vessels may somewhat exceed the aforesaid amounts, respectively stipulated for each of the fishing vessels and research vessels.

(e) The fishery season shall close each year on August tenth.

(f) The length of drift nets to be laid in the seas by one fishing vessel shall be as follows:

In the Okhotsk Sea, less than 10 kilometers.

In the Pacific waters divided into east and south by a line joining Cape Olytorsk with the point of intersection of north latitude
48°, and east longitude 175°25′ with the island of Aki-yuri-shima, less than 12 kilometers. 
In other waters, less than 15 kilometers.  
The space between nets for the drift nets laid by one fishing vessel shall be confirmed immediately after the casting of nets. The distance between one net and the nearest net to it shall be in every direction as follows: 
In the waters of the Okhotsk Sea more than 12 kilometers.  
In the Pacific waters divided into east and south by a line joining Cape Olytorski with the point of intersection of north latitude 48°, and east longitude 170°25′ with the island of Aki-yuri-shima, more than 10 kilometers. 
In other waters, more than 8 kilometers.  
The aforesaid provisions, however, shall not apply to small fishing boats which operate south of north latitude 48° and which have their bases in Japanese ports. 
With regard to the openings of drift nets, they shall be more than 55 millimeters in length from knot to knot. 

2. Herring (Clupea pallasi) 
Small, immature herrings under 20 centimeters in length (from the tip of the mouth to the tip of the tail fin along the central bone) shall not be caught. 
Mixed catches of small herring shall be allowed, provided the amounts are not large; such limits shall be determined by the Commission. 

3. Crabs 
Tarabagani (Paralithodes camtschatica)  
Aburagani (Paralithodes purachibus) 

(a) The catching of female crabs and small, immature crabs of less than 13 centimeters in width shall be prohibited. Female crabs and the aforesaid small crabs, which are caught in nets and pulled up out of the water, must be thrown back as soon as possible. Mixed catches of female crabs and the aforesaid small crabs shall be allowed, provided the amount is not large; such limits shall be determined by the Commission. 
When the mixed catches of female crabs and the aforesaid small crabs have reached whatever the limit is for a certain area, the Commission shall determine whether fishing in that area should cease or not. 

(b) The Commission shall establish the limits on the length of the crab nets, the distance between these nets in one line, and
the spacings between the lines, taking into consideration the protection of the resources and efficient operation.

3. Non-governmental Agreement Concerning Fishing in the Yellow Sea and the East China Sea (1956)

a. NOTE. This non-governmental agreement between "private" fisheries associations of Communist China and of Japan was signed in Peking, 15 April 1956, after more than ninety days of negotiation. The previous seizures of Japanese vessels and persons by Communist China was referred to above. The main clauses of the text were translated and furnished by the Department of State. Translations of the Attached Documents were not available. A complete text of the Agreement and the Attached Documents in Chinese and Japanese is in the files of the Union Research Institute, 110 Waterloo Road, Kowloon, Hong Kong.


The entire delegations dispatched respectively from the Chinese Fisheries Association of the People's Republic of China and from the Japan-China Fisheries Association of Japan (hereinafter referred to as both Fisheries Associations), in order to utilize the fishing grounds in the Yellow Sea and East China Sea rationally, to conserve fishing resources, to avoid any disputes which might arise in connection with fishing operations, and to promote friendly collaboration between Chinese and Japanese fishing operators on the principle of equality and mutual interests and peaceful co-existence, have after conferring with each other, unanimously reached the following agreement.

ARTICLE 1. Coming under application of this Agreement shall be the high seas in the Yellow Sea and East China Sea east of a line connecting the following points and north of 29 degrees north latitude. The point 39° 46' 48" N. Lat. and 124° 10' E. Long.; the point 37° 20' N. Lat. and 123° 3' E. Long.; the point 36° 48' 10'' N. Lat., 122° 43' E. Long.; the point 35° 11' N. Lat. and 120° 38' E. Long.; the point 30° 44' N. Lat. and 123° 23' E. Long.; the point 29° N. Lat. and 122° 45' E. Long.

ARTICLE 2. (1) The two Fisheries Associations shall set a maximum number of dragnet fishing motor vessels (including dragnet ships either in pairs or singly, regardless) of both the Japanese and the Chinese sides which operate in the six fishing areas within the waters covered by this Agreement for a certain fixed period of time. Details thereof shall be worked out in accordance with the Attached Document No. 1.
(2) No restrictions shall be placed on navigation within the waters covered by this Agreement.

ARTICLE 3. Draget fishing motor vessels of both the Japanese and Chinese sides shall abide by the provisions set forth in the Attached Document No. 2 in order to insure safe operations of draget vessels with other draget vessels and different types of fishing vessels and to maintain normal order in these waters.

ARTICLE 4. (1) In the event that any of draget fishing vessels of either the Japanese or the Chinese sides needs urgent shelter or rescue due to shipwreck or other disaster of an Act of God, nature, or serious injury or sudden illness, both the Fisheries Associations and the fishing vessels operating in the fishing grounds shall extend as much cooperation and help as possible.

(2) In the event draget fishing vessels of either side stop at a port of the other side because of accident demanding urgent attention, they shall have to abide by the provisions set forth in the Attached Table No. 3.

ARTICLE 5. Both the Fisheries Associations are desirous of exchanging data and materials regarding research and study and improvement of techniques of fishing to conserve fishing resources and increase fishing production. Details thereof are prescribed in the Attached Document Table No. 4.

ARTICLE 6. (1) When a draget fishing vessel of either side discovers any draget fishing vessel of the other side acting in violation of the provisions of the Article 2, it shall notify the Fisheries Association to which it belongs, which in turn shall bring the matter to the attention of the Fisheries Associations of the other side and have action taken thereon. Upon receipt of the notification, the Fisheries Association of the other side shall take action against the vessel which has violated the provisions of the Article 2 by meting out warning or punishment, and shall also inform the other side of the result of the action it has taken.

(2) When a dispute arises between Japanese and Chinese draget fishing vessels or between a draget fishing vessel and another fishing vessel, every effort shall be made to talk it over and reach a decision right at the spot where the trouble occurs. In the event of difficulties of having it solved on the spot, each side shall report it to its own Fisheries Association and both Fisheries Associations shall solve it after making the investigation of the actual situation.

(3) When a draget fishing vessel of either side inflicts damage on a draget vessel or other fishing vessel of the other side in violation of the provisions of the Article 3, both vessels involved shall report the matter to their respective Fisheries Associations,
and both Fisheries Associations shall take action after making due investigation of the actual situation.

ARTICLE 7. The Attached Documents of the Agreement and the text of this Agreement shall be equally authoritative.

ARTICLE 8. Both Fisheries Associations shall be responsible for putting this Agreement into effect.

ARTICLE 9. Both Fisheries Associations shall endeavor to urge their respective Governments to conduct negotiations to solve Japan-China fishing problems and conclude a fisheries agreement between the two countries, China and Japan.

ARTICLE 10. (1) This Agreement shall go into effect 60 days after signing.

(2) Both sides shall complete necessary processing and preparations within 45 days after the signing, and notify each other of it.

ARTICLE 11. This Agreement shall remain in force for one year from the day it becomes effective.

Signed on April 15, 1955 in Peking, prepared in two copies, each of which is written in both Japanese and Chinese languages, and provisions in both languages have the same authority.

[Signatures and Attached Documents omitted.]

G. Eastern Pacific


a. NOTE. This Convention, which entered into force for Costa Rica and the United States on 3 March 1950, was signed at Washington, 31 May 1949; ratification advised by the Senate 17 August 1949; ratified by the President 1 September 1949; ratified by Costa Rica 23 December 1949; ratifications exchanged at Washington 3 March 1950; and proclaimed by the President 23 March 1950. The Exchange of Notes took place 3 March 1950. Article V, 3rd Paragraph, provides for adherence by any government whose nationals participate in the fisheries covered by the Convention. Adherence by Panama became effective 21 September 1953. As of 1 July 1956, no other countries had adhered. There is, however, a bilateral Convention between the United States and Mexico providing for the establishment of an international commission for the scientific investigation of Tuna (TIAS 2094). A letter to the Editor from the Deputy Legal Adviser of the Department of State, dated 19 July 1956, states that the Convention with Costa Rica is the only active fisheries convention between the United States and Latin-American States. The text of the Convention and Exchange of Notes may be found in 1 UST 230; 80 UNTS 3, and TIAS 2044. The latter is the source used for the texts below.
b. CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION (1950)

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellow-fin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

[Names omitted.]

who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

**Article I**

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.

2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval of the High Contracting Parties.

5. The Commission shall decide on the most convenient place or places for its headquarters.
6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.

8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.

12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.

13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:

(a) The drafting of programs of investigations, and the preparation of budget estimates for the Commission;
(b) authorizing the disbursement of the funds for the joint expenses of the Commission;
(c) the accounting of the funds for the joint expenses of the Commission;
(d) the appointment and immediate direction of technical and other personnel required for the functions of the Commission;
(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;
(f) the coordination of the work of the Commission with
that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;
(h) the performance of such other duties as the Commission may require.

14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the Secretary, in either language.

15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.

16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

**ARTICLE II**

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.

2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.

4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High
Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.

5. Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.

6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by this Convention, from vessels or persons engaged in these fisheries.

7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

**ARTICLE III**

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

**ARTICLE IV**

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Party, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

**ARTICLE V**

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications.

3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America an instrument of adherence which shall stipulate the effective date thereof. The Government of the United States of
America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.

4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.

5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notifications of denunciation received.

In witness whereof the respective Plenipotentiaries have signed the present Convention.

Done at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May, 1949.

[Spanish Text and Signatures omitted.]

* * * * * * *

[Translation]

c. EXCHANGE OF NOTES (1950)

Embassy of Costa Rica
Washington
No. 1579


EXCELLENCY:

I have the honor to refer to the Convention between the Republic of Costa Rica and the United States of America for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., on May 31, 1949, which entered into force this day, and to inform Your Excellency of the desire of my Government to place on record the understanding of our two Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions and purposes of the Convention under reference, the understanding of my Government in regard to this matter is that which I set forth to you as follows.

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High
Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, paragraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood, that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government also desires to state that it recognizes as the authentic Spanish text of the Convention that contained in the Convention as signed, but at the same time recognizes that certain of its provisions might have been worded more clearly in the following form:

**Article I, Paragraph 1.**

"The High Contracting Parties agree to establish and maintain a Joint Commission to be known as the Inter-American Tropical Tuna Commission, which will hereinafter be called the Commission, which shall carry into effect the objectives of this Convention. The Commission shall be made up of national sections, each of which shall include from one to four members appointed by the Governments of the respective High Contracting Parties."

**Article I, Paragraph 3.**

"Each of the High Contracting Parties shall determine and pay the expenses incurred by its respective section. The joint expenses incurred by the Commission shall be covered by the High Contracting Parties through contributions in such form and proportion as the Commission may recommend and the High Contracting Parties may approve. The proportion of the joint expenses to be paid by each of the High Contracting Parties shall be in relation to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party."
ARTICLE I, PARAGRAPH 8.

"Each national section shall have the right to one vote. The decisions, resolutions, recommendations and publications of the Commission must be approved by a unanimous vote."

ARTICLE IV.

"Nothing in the Convention shall be interpreted as changing any existing treaty or convention relating to the fisheries of the Eastern Pacific previously signed by one of the High Contracting Parties, nor as preventing a High Contracting Party from entering into treaties or conventions with other States relating to such fisheries, provided their terms are not incompatible with this Convention."

I avail myself of this opportunity to express to Your Excellency my highest consideration.

MARIO ECHANDI

His Excellency
DEAN ACHESON,
Secretary of State,
Washington, D. C.

The Secretary of State to the Costa Rican Appointed Ambassador

Department of State
Washington

EXCELLENCY:

I have the honor to refer to your note No. 1579 of March 3, 1950 regarding the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, which entered into force this day, and the desire of your Government to place on record the understanding of our Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions or purposes of the Convention under reference, my Government concurs in the understanding set forth in your note as follows:

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention..."
utilized by that High Contracting Party” shall be the part of the
total catch which is used for domestic consumption in the territory
of that High Contracting Party or is the object of commercial
transactions the financial benefits of which accrue entirely or in
their major portion to individuals or firms whose proprietors or
stockholders are domiciled in the territory of that High Con-
tracting Party.

With respect to Article II, subparagraph 4, of the Convention, it
is understood that the Inter-American Tropical Tuna Commission
is authorized to engage in fishing and other activities for scientific
research exclusively and that no commercial ventures by the
Commission are contemplated.

It is further understood that, notwithstanding the specific
powers conferred upon the Commission, nothing in the Convention
shall be interpreted as a relinquishment of or a limitation upon the
sovereignty of a High Contracting Party over waters under its
jurisdiction.

My Government has also taken note of your statement that
certain provisions of the Spanish text might have been more
clearly expressed but that your Government recognizes that the
authentic Spanish text of the Convention is that contained in the
Convention as signed.

Accept, Excellency, the renewed assurances of my highest con-
sideration.

DEAN ACHESON

His Excellency
SENOR DON MARIO ECHANDI,
Appointed Ambassador of Costa Rica.

H. Great Lakes

1. Convention on Great Lakes Fisheries Between the United States
   of America and Canada (1954)

   a. Note. This Convention entered into force 11 October 1955. It was
      signed at Washington 10 September 1954; ratification advised by the Senate
      1 June 1955; ratified by the President 6 June 1955; ratified by Canada 6 Oc-
      tober 1955; ratifications exchanged at Ottawa 11 October 1955; and pro-
      claimed by the President 20 October 1955. The text below is taken from TIAS
      3326. The Convention is discussed by Selak in 50 A.J.I.L. 122 (1956).

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   b. CONVENTION ON GREAT LAKES FISHERIES BETWEEN THE UNITED
      STATES OF AMERICA AND CANADA (1954)

      The Government of the United States of America and the
      Government of Canada,
Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,
Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,
Recognizing that joint and coordinated efforts by the United States of America and Canada are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern,
Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:
   Walter Bedell Smith, Acting Secretary of State of the United States of America, and
   William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference; and

The Government of Canada:
   Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and
   Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference,
who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as “the Convention Area”. This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (*Petromyzon marinus*) in the Convention Area.

ARTICLE II

1. The Contracting Parties agree to establish and maintain a
joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold in camera.

ARTICLE III

1. At the first meeting of the Commission and at every second subsequent annual meeting thereafter the members shall select from among themselves a Chairman and a Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.
8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

**ARTICLE IV**

The Commission shall have the following duties:

(a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose;

(b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;

(c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;

(d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and

(e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

**ARTICLE V**

In order to carry out the duties set forth in Article IV, the Commission may:

(a) conduct investigations;

(b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and

(c) hold public hearings in the United States of America and Canada.

**ARTICLE VI**

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.

2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.
Article VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

Article VIII

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

Article IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

Article X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

Article XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

Article XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

Article XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.
2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of September, 1954.

[Signatures omitted.]