

Agreement between the Government of Canada and the Government of the French Republic on Their Mutual Fishing Relations
27 March 1972(1)

The Government of Canada and the Government of France,
Having regard to the fact that the Canadian Government has deemed it necessary, notably with a view to ensuring the protection of Canadian fisheries, to adopt certain measures relating to the delimitation of the territorial sea and the fishing zones of Canada,

Considering it desirable to adapt to present circumstances their mutual relations in fishery matters,
Have agreed as follows:

Article 1(2)

The Government of France renounces the privileges established to its advantage in fishery matters by the Convention signed at London, on April 8, 1904, between the United Kingdom and France. The present Agreement supersedes all previous treaty provisions relating to fishing by French nationals off the Atlantic coast of Canada.

Article 2

In return, the Canadian Government undertakes in the event of a modification to the juridical regime relating to the waters situated beyond the present limits of the territorial sea and fishing zones of Canada on the Atlantic coast, to recognize the right of French nationals to fish in these waters subject to possible measures for the conservation of resources, including the establishment of quotas. The French Government undertakes for its part to grant reciprocity to Canadian nationals off the coast of Saint-Pierre and Miquelon.

Article 3

Fishing vessels registered in metropolitan France may continue to fish from January 15 to May 15 each year, up to May 15, 1986, on an equal footing with Canadian vessels, in the Canadian fishing zone within the Gulf of St. Lawrence, east of the meridian of longitude 61 degrees 30 mins. west, subject to the provisions of articles 5 and 6.

Article 4

In view of the special situation of Saint-Pierre and Miquelon and as an arrangement between neighbours :

- (a) French coastal fishing boats registered in Saint-Pierre and Miquelon may continue to fish in the areas where they have traditionally fished along the coasts of Newfoundland, and Newfoundland coastal fishing boats shall enjoy the same right along the coasts of Saint-Pierre and Miquelon;
- (b) A maximum of ten French trawlers registered in Saint-Pierre and Miquelon, of a maximum length of 50 metres, may continue to fish along the coasts of Newfoundland, of Nova Scotia (with the exception of the Bay of Fundy), and in the Canadian fishing zone within the Gulf of St. Lawrence, on an equal footing with Canadian trawlers; Canadian trawlers registered in the ports on the Atlantic coast of Canada may continue to fish along the coasts of Saint-Pierre and Miquelon on an equal footing with French trawlers.

Article 5

French fishing vessels covered by the provision of article 3 must not direct their fishing effort to the taking of species other than those which they have traditionally exploited in the five-year period immediately preceding this Agreement, nor shall they substantially increase the level of such effort.

Article 6

- 1. Canadian fishery regulations shall be applied without discrimination in fact or in law to the French fishing vessels

covered by articles 3 and 4, including regulations concerning the dimensions of vessels authorized to fish less than 12 miles from the Atlantic coast of Canada.

2. French fishery regulations shall be applied under the same conditions to the Canadian fishing vessels covered by article 4.
3. Before promulgating new regulations applicable to these vessels, the authorities of each of the Parties shall give three months prior notice to the authorities of the other Party.

Article 7

The French patrol vessel which usually accompanies the French fishing fleet may continue to exercise its functions of assistance in the Gulf of St. Lawrence.

Article 8

The line defined in the annex to the present Agreement determines, in the area between Newfoundland and the islands of Saint-Pierre and Miquelon, the limit of the territorial waters of Canada and of the zones submitted to the fishery jurisdiction of France.

Article 9

No provision of the present Agreement shall be interpreted as prejudicing the views and future claims of either Party concerning internal waters, territorial waters or jurisdiction with respect to fisheries or the resources of the continental shelf, or the bilateral or multilateral agreements to which either Government is a party.

Article 10

1. The Contracting Parties shall establish a Commission to consider all disputes concerning the application of this Agreement.
2. The Commission shall consist of one national expert nominated by each of the Parties for ten years. In addition, the two Governments shall designate by mutual agreement a third expert who shall not be a national of either Party.
3. If, in connection with any dispute referred to the Commission by either of the Contracting Parties, the Commission has not within one month reached a decision acceptable to the Contracting Parties, reference shall be made to the third expert. The Commission shall then sit as an arbitral tribunal under the chairmanship of the third expert.
4. Decisions of the Commission sitting as an arbitral tribunal shall be taken by a majority, and shall be binding on the Contracting Parties.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in two copies at Ottawa in the English and French languages, each version being equally authentic, this 27th day of March, 1972.

For the Government of Canada:

Signed: MITCHELL SHARP

For the Government of France:

Signed: PIERRE SIRAUD

ANNEX TO THE AGREEMENT BETWEEN CANADA AND FRANCE

The line which determines the limit of the territorial waters of Canada and the zones submitted to the fishery jurisdiction of France extends northward and westward in a series of eight connected straight lines joining the following points:

Point (1) Equidistant 12 nautical miles from L'Enfant Perdu (France) and Lamaline Shag Rock (Canada). Latitude 46° 38' 46" N., Longitude 55° 54' 12" W. approximately.

Point (2) Equidistant from L'Enfant Perdu (France) and Lamaline Shag Rock and Otter Rock (Canada). Latitude 46° 41' 56" N., Longitude 55° 55' 28" W. approximately.

Point (3) Equidistant from L'Enfant Perdu (France) and Otter Rock and Enfant Perdu (Canada). Latitude 46° 48' 10" N., Longitude 55° 58' 57" W. approximately.

Point (4) The low 'water mark on the south-westernmost point of Enfant Perdu (Canada). Latitude 46° 51' 20" N., Longitude 56° 05' 30" W. approximately.

Point (5) The low water mark on the west point of the south-westernmost island of the Little Green Island group. Latitude 46° 51' 36" N., Longitude 56° 05' 58" W. approximately.

Point (6) The intersection of the French mid-channel line of 1907 with a line parallel to, and 3 miles distant from a line joining Green Island to Dantzig Point. Latitude 46° 55' 52" N., Longitude 56° 07' 47" W. approximately.

Point (7) The intersection of the French mid-channel line of 1907 with the median Ijne, equidistant from Bout du Nordet (France) and Little Plate Island (Canada). Latitude 47° 06' 02" N., Longitude 56° 06' 18" W. approximately.

Point (8) Equidistant from Cap du Nid à l'Aigle (France) and Little Plate Island and the southwest Wolf Rock (Canada). Latitude 47° 18' 19" N., Longitude 56° 15' 18" W. approximately.

Point (9) The intersection of the French mid-channel line of 1907 with the outer limit of Canada's 12-mile territorial Sea. Latitude 47° 21' 54" N., Longitude 56° 29' 40" W. approximately.

EXCHANGE OF LETTERS

I

EMBASSY OF FRANCE IN CANADA(3)

Ottawa, March 27, 1972

Sir,

I have the honour to inform you that it has been brought to the attention of the Government of France that certain vessels in the Gulf of St. Lawrence encountered some administrative difficulties when they attempted to enter the Strait of Belle Isle.

The Government of France recognizes that fishing vessels using this route shall be subject to the applicable Canadian fishery and pollution-control regulations, and will ask its nationals to comply closely with these provisions.

It considers that, with the above reservation, French fishing vessels have at all times the right of innocent passage in the Strait of Belle Isle.

Accept, Sir, the renewed assurances of my highest consideration.

[Signed] PIERRE SIRAVD

Ambassador of France

The Honourable Mitchell Sharp Secretary of State for External Affairs Ottawa, Ontario

II

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, March 27, 1972

Excellency,

I have the honour to acknowledge the receipt of your letter of March 27, 1972, which reads as follows:

[See letter I]

I thank you for your note and I confirm that French fishing vessels have at all times the right of innocent passage in the Strait of Belle Isle, subject to the condition stated in your letter.

Accept, Excellency, the assurances of my highest consideration.

MITCHELL SHARP Secretary of State for External Affairs

His Excellency Pierre Siraud Ambassador of France Ottawa

Endnotes

1 (Note - Note)

Date of entry into force : 27 March 1972 by signature.

Registered: 28 March 1973, No. 12353

annexe, cartes, échange de lettres

authentic texts: french and english

2 (Note - Note)

British and Foreign State Papers, vol. 97, p. 31.

3 (Note - Note)

Translation supplied by the Government of Canada.

authentic text of the exchange of letters: french