

CANADA

TREATY SERIES, 1946

No. 13

GREAT LAKES FISHERIES CONVENTION

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

Signed at Washington, April 2, 1946

(This Convention has not yet been ratified)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

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GREAT LAKES FISHERIES CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA

Signed at Washington, April 2, 1946

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and the President of the United States of America,

Recognizing that the fish of the Great Lakes and their connecting waters constitute an important source of food supply and a natural resource of great economic importance to Canada and the United States of America, that fishing operations and other factors in the waters within the jurisdiction of one country may adversely affect the supply in the waters within the jurisdiction of the other, that some species of fish in the Great Lakes have declined and that further declines are probable unless adequate provision is made for the development, protection and conservation of the Great Lakes fisheries and for the maintenance of conditions which will permit the maximum yield, and that the conservation and effective management of these fisheries require cooperation between and joint action by the governmental agencies of both countries concerned with the administration of these fisheries,

Have resolved to conclude a convention for this purpose and have appointed as their respective plenipotentiaries,

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for Canada:

Lester Bowles Pearson, Ambassador Extraordinary and Plenipotentiary for Canada to the United States of America, and

Hedley Francis Gregory Bridges, Minister of Fisheries of Canada, and
The President of the United States of America:

Dean Acheson, Acting Secretary of State of the United States of America;

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

ARTICLE I

It is agreed that the provisions of this Convention shall apply to the following, herein referred to as the Great Lakes: Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, Lake Michigan, Lake Superior, and the connecting waters, bays, and component parts of each of these lakes, and the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude. For the purposes of this Convention the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude shall be treated as a lake of the Great Lakes.

ARTICLE II

1. The High Contracting Parties agree to establish and maintain a joint commission, hereinafter referred to as the Commission, to be known as the International Commission for the Great Lakes Fisheries and to be composed of two National Sections, a Canadian Section and a United States Section.

2. Each High Contracting Party may also appoint an advisory committee for each lake consisting of representatives designated by each province or state, as the case may be, having jurisdiction on the lake.

3. The expenses of each Section and of each advisory committee shall be determined and paid by their respective governments: Provided that joint expenses incurred for administration or research or for other purposes shall be paid by the two High Contracting Parties in equal shares.

4. The Commission, the National Sections and the advisory committees shall be constituted in accordance with and shall be governed by the provisions of the Schedule annexed to this Convention.

ARTICLE III

1. The Commission shall formulate and recommend specific research programs, which may be undertaken by the appropriate agencies of the two governments in collaboration with the Province of Ontario and the States of the United States of America concerned, as well as such other institutions and facilities as the Commission deems advisable, for observations and studies of the Great Lakes fisheries, to guide it in exercising its functions provided for in Article IV of this Convention. Such programs may include the collection and analysis of statistical information to reveal the current conditions and trends of the fishery resources, studies and appraisal of methods for increasing the abundance of fish by artificial propagation and other means, and studies of any factors that may affect the fisheries of the Great Lakes, including silting and pollution. The Commission shall take such further steps as it considers practicable to coordinate and develop research which it may deem of value in connection with the Great Lakes fisheries.

2. The High Contracting Parties agree that, within one year from the date of the exchange of the ratifications of this Convention, each of them will undertake such observations and studies, recommended by the Commission for joint or concurrent action, as they consider necessary for the effective guidance of the Commission in the exercise of its functions.

3. It is understood that nothing contained in this Convention or in the laws and regulations of the High Contracting Parties or of the Province of Ontario or of any state shall prohibit the Commission from conducting or authorizing fishing operations and biological experiments at any time for purposes of scientific investigation.

ARTICLE IV

1. The Commission shall undertake to develop a comprehensive plan for the effective management of the fishery resources of the Great Lakes for the purpose of securing the maximum use of these resources consistent with their perpetuation.

2. The Commission may make regulations fixing:

- (a) open and closed seasons;
- (b) open and closed waters;
- (c) the size limits for each species of fish;
- (d) the time, methods and intensity of fishing;
- (e) the type and specifications of the nets, gear, and apparatus and appliances which may be used;
- (f) the methods of measurement;
- (g) the extent and nature of stocking operations;
- (h) the introduction of new species; and
- (i) catch returns and other statistical records as may be necessary to give effect to the purposes of this Convention.

Regulations made under this section shall be uniform for each lake or equivalent in their effectiveness in the waters of each country as determined by the Commission. The Commission may from time to time make such regulations for each lake separately and may establish zones within a lake and make regulations for the various zones of that lake in accordance with differences in conditions. Regulations for a lake or for a zone within a lake shall be made with due regard to the necessary interdependence of such regulations with the regulations for other waters of the Great Lakes.

3. The Commission may make recommendations to the appropriate federal, provincial, state and local authorities regarding measures for dealing with such other factors affecting the Great Lakes fisheries, including silting and pollution, as are not included under section 2 of this Article.

4. The United States Section alone shall exercise all powers and functions of the Commission in matters relating to Lake Michigan having due regard to the necessary interdependence of regulations for that lake with those for the other lakes. The Commission shall likewise, with respect to the other lakes, have due regard to the regulations for and the conditions of Lake Michigan.

5. Regulations made by the Commission for United States waters, and by the United States Section for Lake Michigan, shall not become effective until approved by the President of the United States of America.

6. Regulations made by the Commission for Canadian waters shall not become effective until approved by the Governor General in Council.

ARTICLE V

1. The High Contracting Parties agree to provide for the enforcement, whether directly or through provincial and state governments or by both means, within their respective waters of the regulations made and approved under this Convention.

2. It is understood that in United States waters the regulations for each lake may be enforced in the first instance by the enforcement agencies of the states bordering thereon within their respective jurisdictions and in Canadian waters by the appropriate enforcement agencies in the Province of Ontario.

3. The Commission shall keep itself informed as to the effectiveness of enforcement, shall report to the High Contracting Parties with respect to any charges, allegations or conditions of unsatisfactory enforcement of which it is aware, and may recommend to the High Contracting Parties measures for the improvement of enforcement. Except as to Lake Michigan, upon the complaint of either National Section with respect to enforcement in any area of the waters of the other country the government of that country will take appropriate action to enforce the regulations for that area and will continue such action so long as it deems necessary.

ARTICLE VI

Nothing in this Convention shall be construed as preventing either of the High Contracting Parties, subject to their respective constitutional arrangements, or the Province of Ontario or any of the states of the United States of America bordering on the Great Lakes from making or enforcing such laws or regulations within their respective jurisdictions as will give further protection to the fisheries of the Great Lakes and as are not inconsistent with the provisions of this Convention or with the regulations made and approved thereunder.

ARTICLE VII

The High Contracting Parties agree to provide, subject to their respective constitutional arrangements, for the prohibition of the shipment, transport, purchase, sale, import or export of fish taken from the Great Lakes in violation of the regulations made and approved under this Convention.

ARTICLE VIII

The High Contracting Parties agree that, subject to their respective constitutional arrangements, licences to fish in the waters of the Great Lakes within the jurisdiction of any province or state may continue to be issued by such province or state in accordance with its laws and subject to such fees as it may fix, if such licences and licensing are not inconsistent with the provisions of this Convention or with the regulations made and approved thereunder. Where licensing of fishing activities is necessary to give effect to the regulations made and approved under this Convention, and any province or state fails to establish or maintain licensing adequate for the successful control or management of any such fishing activity, the High Contracting Party having jurisdiction will take such measures as may be necessary to provide the needed licensing in the area of its water affected.

ARTICLE IX

The High Contracting Parties agree to provide for the enactment and enforcement of such legislation as may be necessary to give effect to the provisions of this Convention and the regulations made and approved thereunder, with appropriate penalties for violations.

ARTICLE X

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and in respect of Canada by His Majesty in accordance with the constitutional practice, and it shall come into force on the date of the exchange of ratifications, which shall take place at Ottawa. The Convention shall continue in force for a period of ten years and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other High Contracting Party of an intention of terminating the Convention.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the present Convention and have affixed their seals thereto.

DONE in duplicate at Washington the second day of April, one thousand nine hundred forty-six.

For Canada:

(Seal)

LESTER B. PEARSON,
H. FRANCIS G. BRIDGES.

*For The United States of
America:*

(Seal)

DEAN ACHESON.

SCHEDULE

SPECIAL PROVISIONS RELATING TO THE COMMISSION, THE NATIONAL SECTIONS AND THE ADVISORY COMMITTEES

1. The United States Section shall be composed of three members, one a representative of the fishery agency of the Government of the United States of America, the second a person chosen by the President of the United States of America from a list of two or more persons named by the states having jurisdiction on the Great Lakes, and the third a person duly qualified to represent the public at large by reason of knowledge of the fisheries of the Great Lakes.
2. The Canadian Section shall be composed of three members, one a representative of the public services of Canada, the second a representative of the public services of the Province of Ontario, and the third a person duly qualified to represent the public at large by reason of knowledge of the fisheries of the Great Lakes.
3. (a) Each High Contracting Party may fix the terms of service of its members of the Commission and of the members of any advisory committees established by it pursuant to Article II of the Convention.
(b) Each High Contracting Party may fix the composition of the membership of any such advisory committee established by it, in order to give adequate representation to provincial or state conservation and fishery agencies, commercial fishermen, sports fishermen, and the public at large; but the members of such advisory committee shall be designated by the province or states having jurisdiction on the lake concerned.
4. (a) 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 Secretary both of whom shall hold office for two years. The Chairman shall be selected from one National Section and the Secretary from the other National Section. The offices of Chairman and Secretary shall alternate biennially between the National Sections.
(b) In the event that the Chairman or the Secretary is not present at a meeting of the Commission the other members may appoint one of their number to act in his stead. In case the Chairman or the Secretary ceases to be a member of the Commission, the Commission shall select from the members of the same National Section a new Chairman or Secretary to hold office for the unexpired term.
(c) The Commission shall adopt suitable by-laws or provisions for the conduct of its meetings and for the exercise of the functions and duties vested in it by the Convention and may employ necessary personnel for the discharge of its functions.
5. Each member of the Commission shall have one vote and the Commission shall determine for each lake other than Lake Michigan by majority vote of the entire Commission the fishing regulations and other decisions with respect to such lake. With respect to Lake Michigan, each member of the United States Section shall have one vote and decisions shall be by majority vote.

6. (a) Any advisory committee which, pursuant to Article II of the Convention, may be appointed by each Government for a particular lake, shall be invited to all non-executive meetings of the Commission or its respective National Sections at which matters concerning that lake are to be considered, and shall be given full opportunity to examine and to be heard on all proposed fishing regulations and other decisions relating to that lake.

(b) Regulations made by the Commission, or by the United States Section for Lake Michigan, shall be submitted forthwith to any pertinent advisory committee or committees and shall not be submitted to the Governor General of Canada or to the President of the United States of America for approval until after forty-five days from the day on which they were made, unless all the pertinent advisory committees express their consent to the regulations prior to such time. The advisory committee or committees shall consider such regulations and shall comment thereon to the Commission or to the United States Section for Lake Michigan. If prior to the expiration of the period of forty-five days the Commission shall be requested by any such advisory committee to reconsider such regulations or any portion thereof, the Commission or the United States Section for Lake Michigan shall undertake such reconsideration prior to submitting the regulations to the Governor General of Canada or to the President of the United States of America for approval.

(c) Emergency regulations and decisions may be made without opportunity for examination and recommendation by the pertinent advisory committee or committees. Such emergency regulations and decisions shall not be operative for more than one year and may not be renewed without full opportunity for examination and recommendation by the advisory committee or committees.

7. For the purpose of considering and making regulations regarding fishing in the Great Lakes, the Commission, or in the case of Lake Michigan the United States Section alone, shall meet at least twice a year and one of these meetings shall be designated by the Chairman and Secretary as the annual meeting. The date and place of the annual meeting and of such other meetings as may be necessary at any time shall be agreed upon by the Chairman and the Secretary except that only the representative of the United States of America holding the office of the Chairman or the Secretary shall call meetings of the United States Section for Lake Michigan.

8. Prior to any meeting at which regulations for any of the Great Lakes are to be voted upon, a hearing or hearings shall be held by the Commission, or in the case of Lake Michigan by the United States Section, at a place or places near that lake, which shall be open to fishermen and other persons in either country interested in the problems of that lake: Provided that in the event of emergency circumstances meetings may be held without such hearings. Nothing herein shall be deemed to prevent either National Section from holding hearings within its own country at its discretion.

9. The Commission shall publish biennially, or more frequently as it judges desirable, reports of its activities and recommendations, as well as such publications as it may see fit of a scientific nature or other public information, and may also arrange to publish the results of the research of collaborating and associated agencies.

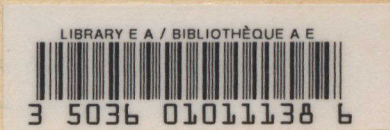
10. Regulations made and approved under Article IV of the Convention shall not become effective until one year from the date when the Convention comes into force.

11. For purposes of the application of the Convention and regulations made and approved thereunder, the Commission may determine the boundaries between the lakes, and between the waters specified in Article I of the Convention and waters flowing into or from such waters, and may also determine the lake or lakes of which the connecting waters or any part thereof shall be treated as forming a part.

12. The provisions of this Schedule may be revised and amended from time to time by the Commission: Provided that:

(a) any revision or amendment inconsistent with the provisions of this Schedule must be confirmed by an exchange of notes between the High Contracting Parties; and

(b) no revision or amendment inconsistent with the Convention, or which diminishes the extent or effectiveness of provincial or state participation and representation of provincial or state interests now provided under paragraphs 1, 2, 5, 6 and 8 of this Schedule, may be made by the Commission.



RECUEIL DES TRAITÉS

LE CANADA ET LA FRANCE

1. The purpose of the Commission is to investigate and report on the activities of the Communist Party in the United States and to recommend such measures as may be necessary to prevent the same from operating in the future.

2. The Commission shall have the honor and privilege of access to all records and documents of the Government, and to all information in the possession of any Federal agency, which may be helpful in the performance of its duties.

3. Any person who is a member of the Communist Party, or who is known to be a member of the Communist Party, and who is in possession of any information which may be helpful in the performance of the duties of the Commission, shall be required to furnish such information to the Commission.

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