



Treaty Series No. 62 (1938)  
[Reprint of "Canadian Treaty Series No. 9 (1937)"]

## CONVENTION

between His Majesty in respect of the Dominion of Canada  
and the President of the United States of America

for the

## PRESERVATION OF THE HALIBUT FISHERY OF THE NORTHERN PACIFIC OCEAN AND BERING SEA

Ottawa, January 29, 1937

[Ratifications exchanged at Ottawa on July 28, 1937]

*Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty*

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CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE  
DOMINION OF CANADA AND THE PRESIDENT OF THE  
UNITED STATES OF AMERICA FOR THE PRESERVATION OF  
THE HALIBUT FISHERY OF THE NORTHERN PACIFIC  
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Ottawa, January 29, 1937.

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[Ratifications exchanged at Ottawa on July 28, 1937.]

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

And the President of the United States of America,

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 revising the convention for the preservation of that fishery signed on their behalf at Ottawa on the 9th May, 1930,<sup>(1)</sup> and have named as their plenipotentiaries for that purpose,

His Majesty, for the Dominion of Canada :

The Right Honourable William Lyon Mackenzie King, Prime Minister and Secretary of State for External Affairs; and

The President of the United States of America :

Norman Armour, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Canada;

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

ARTICLE 1.

The nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas off the western coasts of the United States of America, including the southern as well as the western coasts of Alaska, and of Canada, from the first day of November next after the date of the exchange of ratifications of this Convention to the fifteenth day of the following February, both days inclusive, and within the same period yearly thereafter.

(1) "Treaty Series No. 9 (1933)," Cmd. 4270.

The International Fisheries Commission provided for by Article 3 is hereby empowered, subject to the approval of the President of the United States of America and of the Governor-General of Canada, to suspend or change the closed season provided for by this article, as to part or all of the convention waters, when it finds after investigation such suspensions or changes are necessary, and to permit, limit, regulate and prohibit in any area or at any time when fishing for halibut is prohibited, the taking, retention and landing of halibut caught incidentally to fishing for other species of fish, and the possession during such fishing of halibut of any origin.

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 waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Convention or by any regulations adopted in pursuance of its provisions.

It is further understood that nothing contained in this Convention shall prohibit the International Fisheries Commission from conducting fishing operations for investigation purposes at any time.

ARTICLE 2.

Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in halibut fishing on the high seas in violation of this Convention or of any regulation adopted under the provisions thereof may be seized by the duly authorised officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorised 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 nation 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 of its provisions, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Each High Contracting Party shall be responsible for the proper observance of this Convention, or of any regulation adopted under the provisions thereof, in the portion of its waters covered thereby.

ARTICLE 3.

The High Contracting Parties agree to continue under this Convention the Commission as at present constituted and known as the International Fisheries Commission, established by the Convention for the preservation of the halibut fishery, signed at Washington,

the 2nd March, 1923,<sup>(?)</sup> and continued under the Convention signed at Ottawa the 9th May, 1930, consisting of four members, two appointed by each Party, which Commission shall make such investigations as are necessary into the life history of the halibut in the convention waters and shall publish a report of its activities from time to time. Each of the High Contracting Parties shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each of the High Contracting Parties shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The High Contracting Parties agree that for the purposes of protecting and conserving the halibut fishery of the Northern Pacific Ocean and Bering Sea, the International Fisheries Commission, with the approval of the President of the United States of America and of the Governor-General of Canada, may, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, from time to time—

- (a) Divide the convention waters into areas;
- (b) Limit the catch of halibut to be taken from each area within the season during which fishing for halibut is allowed;
- (c) 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 Fisheries 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 (b) of this paragraph;
- (d) Fix the size and character of halibut fishing appliances to be used in any area;
- (e) Make such regulations for the licensing 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;
- (f) Close to all halibut fishing such portion or portions of an area or areas, as the International Fisheries Commission find to be populated by small, immature halibut.

#### ARTICLE 4.

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

(?) "Treaty Series No. 18 (1935)," Cmd. 2377.

ARTICLE 5.

The present Convention shall remain in force for a period of five years, and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

This Convention shall, from the date of the exchange of ratifications, be deemed to supplant the Convention for the Preservation of the Halibut Fishery, signed at Ottawa, the 9th May, 1930.

ARTICLE 6.

This Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at Ottawa as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

In faith whereof the respective plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Ottawa on the twenty-ninth day of January, in the year one thousand nine hundred and thirty-seven.

(L.S.) W. L. MACKENZIE KING.

(L.S.) NORMAN ARMOUR.

