ARBITRATION: NORTH ATLANTIC COAST FISHERIES

Agreement signed at Washington July 20, 1912
Senate advice and consent to ratification August 1, 1912
Ratified by the President of the United States August 7, 1912
Ratified by the United Kingdom August 19, 1912
Ratifications exchanged at Washington November 15, 1912
Entered into force November 15, 1912
Proclaimed by the President of the United States November 16, 1912
37 Stat. 1634; Treaty Series 572

ARTICLE I

Whereas the award of the Hague Tribunal of September 7, 1910,¹ recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818,² may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

¹ For text, see 1910 For. Rel. 544.
² TS 112, ante, p. 57.
Such laws, ordinances, or rules by Great Britain shall be promulgated by
publication in the London Gazette, by Canada in the Canada Gazette, and
by Newfoundland in the Newfoundland Gazette.

After the expiration of ten years from the date of this Agreement, and so
on at intervals of ten years thereafter, either Party may propose to the other
that the dates fixed for promulgation be revised in consequence of the varying
conditions due to changes in the habits of the fish or other natural causes; and
if there shall be a difference of opinion as to whether the conditions have so
varied as to render a revision desirable, such difference shall be referred for
decision to a commission possessing expert knowledge, such as the Permanent
Mixed Fishery Commission hereinafter mentioned.

2. If the Government of the United States considers any such laws or
regulations inconsistent with the Treaty of 1818, it is entitled so to notify the
Government of Great Britain within forty-five days after the publication
above referred to, and may require that the same be submitted to and their
reasonableness, within the meaning of the award, be determined by the
Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-
five days, or which, having been so notified, has been declared reasonable and
consistent with the Treaty of 1818 (as interpreted by the said award) by the
Permanent Mixed Fishery Commission, shall be held to be reasonable within
the meaning of the award; but if declared by the said Commission to be
unreasonable and inconsistent with the Treaty of 1818, it shall not be applica-
table to the inhabitants of the United States exercising their fishing liberties
under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfound-
land, respectively, shall be established for the decision of such questions as
to the reasonableness of future regulations, as contemplated by Article IV
of the Special Agreement of January 27, 1909. These Commissions shall
consist of an expert national, appointed by each Party for five years; the
third member shall not be a national of either Party. He shall be nominated
for five years by agreement of the Parties, or, failing such agreement, within
two months from the date, when either of the Parties to this Agreement shall
call upon the other to agree upon such third member, he shall be nominated
by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of
Great Britain, and shall convene within thirty days from the date of notifi-
cation by the Government of the United States. These two members having
failed to agree on any or all of the questions submitted within thirty days
after they have convened, or having before the expiration of that period noti-
fied the Government of Great Britain that they are unable to agree, the full

*TS 521, ante, p. 332.
Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within thirty days thereafter to decide all questions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Governments do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes, of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:

"The provision hereinafter fully set forth of an act dated _______, published in the _______ Gazette, has been notified to the Government of Great Britain by the Government of the United States under date of _______; as provided by the agreement entered into on July 20, 1912, pursuant to the award of the Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for (Canada) composed of _______ Commissioner for the United (Newfoundland) States of America, and of _______ Commissioner for (Canada) (Newfoundland) who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of the Hague Tribunal of September 7, 1910, and if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows ---------------------------------------------"

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

*TS 536, ante, vol. 1, p. 601.
UNITED KINGDOM

ARTICLE II

And whereas the Tribunal of Arbitration in its award decided that—

In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast.

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V [5] of the Special Agreement is applicable, are hereby adopted, to wit:

In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann’s Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter’s Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

Long Island and Bryer Island, on St. Mary’s Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

It is understood that the award does not cover Hudson Bay.

ARTICLE III

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.
ARTICLE IV

The present Agreement shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

CHANDLER P. ANDERSON [seal]
ALFRED MITCHELL INNES [seal]