

FISHERIES

**Pacific Coast Albacore Tuna
Vessels and Port Privileges**

**Agreements amending the Treaty of
May 26, 1981 Between the
UNITED STATES OF AMERICA
and CANADA**

Effected by Exchange of Notes at
Washington July 17 and August 13, 2002

and

Related Agreement
Effected by Exchange of Notes at
Washington August 21 and September 10, 2002



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CANADA

Fisheries: Pacific Coast Albacore Tuna Vessels and Port Privileges

*Agreements amending the treaty of May 26, 1981.
Agreement effected by exchange of notes at Washington
July 17 and August 13, 2002;
And related agreement effected by exchange of notes at
Washington August 21 and September 10, 2002;
Transmitted by the President of the United States of America
to the Senate January 9, 2003 (Treaty Doc. 108-1,
108th Congress, 1st Session);
Reported favorably by the Senate Committee on Foreign Relations
July 23, 2003 (Senate Executive Report No. 108-7,
108th Congress, 1st Session);
Advice and consent to ratification by the Senate July 31, 2003;
Ratified by the President May 28, 2004;
Entered into force May 28, 2004.*

DEPARTMENT OF STATE

WASHINGTON

July 17, 2002

Excellency:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty") and to propose one amendment to the Treaty as follows:

Article 1(b) is amended so that it reads in its entirety as follows:

- (b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with and subject to the limitations and conditions in Annex "A" and Annex "C" to this Treaty and subject to other applicable laws and regulations.

His Excellency

Michael Frederick Kergin,
Ambassador of Canada.

DIPLOMATIC NOTE

If the above understanding is acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

For the Secretary of State:

Dawid Dobrynin



Note No.0084

Excellency:

I have the honour to acknowledge receipt of your note of 17 July, 2002, which reads as follows:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997, (the "Treaty") and to propose one amendment to the Treaty as follows :

Article 1(b) is amended so that it reads in its entirety as follows:

(b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with and subject to the limitations and conditions in Annex "A" and Annex "C" to this Treaty and subject to other applicable laws and regulations.

If the above understanding is acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

I have the further honour to inform you that the Government of Canada accepts the proposal contained in your excellency's note and to confirm that your note and this note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

Washington, D. C.

August 13, 2002





Note No.0084

Votre Excellence,

J'ai l'honneur d'accuser réception de votre Note du 17 juillet 2002 qui se lit comme suit:

J'ai l'honneur de me référer aux discussions qui ont eu lieu récemment entre nos deux Gouvernements en ce qui concerne le Traité concernant les thoniers (thon blanc) du Pacifique et leurs privilèges portuaires (avec annexes), signé à Washington le 26 mai 1981, tel qu'amendé par l'échange de notes du 9 octobre 1997 (« le Traité ») et de proposer l'amendement suivant au Traité.

L'alinéa 1b) est amendé de manière à se lire en entier comme suit.

b) permet aux navires de pêche de l'autre Partie de pêcher le thon blanc dans les eaux relevant de sa juridiction en matière de pêche au-delà de douze milles marins à partir des lignes de base servant à mesurer la mer territoriale, conformément aux dispositions et respectant les limites et conditions des annexes "A" et "C" du présent Traité et sous réserve des autres lois et règlements applicables.

Si cette proposition agréée à votre Gouvernement, j'ai l'honneur de proposer que la présente Note et votre réponse à celle-ci, constituent entre nos deux

Gouvernements un accord qui entrera en vigueur à la date de la seconde de deux notes faisant partie d'un échange ultérieur de notes diplomatiques qui confirmera l'achèvement de toutes les procédures internes nécessaires par chacune des Parties.

Veillez agréer, Excellence, les assurances renouvelées de ma plus haute considération.

J'ai également l'honneur de vous informer que le gouvernement du Canada accepte la proposition figurant dans la note de votre excellence et de confirmer que votre note et la présente note de réponse constituent un accord entre nos deux gouvernements qui entrera en vigueur à la date de la seconde de deux notes faisant partie d'un échange ultérieur de notes diplomatiques qui confirmera l'achèvement de toutes les procédures internes nécessaires par chacune des Parties.

Veillez agréer, Excellence, les assurances renouvelées de ma plus haute considération.

Washington, D. C.

August 13, 2002



DEPARTMENT OF STATE

WASHINGTON

August 21, 2002

Sir:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty"). I also have the honor to refer to the Diplomatic Note of July 17, 2002, and your Note number 84 of August 13, 2002, in reply, which contained an agreement on a proposed amendment to Article 1(b) of the Treaty.

The Honorable

Bertin Côté,

Chargé d'Affaires ad interim

of Canada.

DIPLOMATIC NOTE

I have the further honor to propose certain amendments to the Treaty as follows:

1. Annex A is amended so that it reads in its entirety as follows:

ANNEX A

1.

- a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"), (4) fishing vessel registration number, and (5) captain or operator's name, if known.
- b. Each Party may provide the other Party with additions or deletions to its list at any time.
- c. As soon as possible after receipt, and subject to paragraph 1(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
- d. Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. In this event, actions pursuant to paragraph 1(c), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph 1(c).

2. If required by either Party, each vessel shall, prior to entering and leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking,

captain or operator's name and the purpose for being in such Party's fishing zone.

3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.
4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.
5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.
6. The Parties shall consult annually, *inter alia*, to:
 - a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and
 - b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters pursuant to Article 1(b) of this Treaty.

2. A new "Annex C" shall be added and it shall read in its entirety as follows:

ANNEX C

1. The Parties agree to limit fishing by each Party's vessels engaged in fishing for albacore tuna in the waters under the fisheries jurisdiction of the other Party in accordance with the limitation regime (the "Regime") below, beginning on the first June 1st occurring after the date of entry into force of this Annex and expiring at the end of the third year of the Regime as set out in paragraph 5 below.
2. For purposes of this Annex, a "vessel fishing month" as it applies to a vessel of a Party shall mean any calendar month or part thereof in which that vessel is in the waters subject to the fisheries jurisdiction of the other Party for the purpose of fishing for albacore tuna in those waters.
3. During the first year of the Regime, which shall commence on the first June 1st occurring after the date of entry into force of this Annex and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:
 - (a) 680 vessel fishing months; or
 - (b) 170 vessels with a limit of four calendar months fishing for each vessel.
4. During the second year of the Regime, which shall commence on the April 1st immediately following the end of the first year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:
 - (a) 560 vessel fishing months; or
 - (b) 140 vessels with a limit of four calendar months fishing for each vessel.
5. During the third year of the Regime, which shall commence on the April 1st immediately following the end of the second year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its

vessels in waters under the fisheries jurisdiction of the other Party to:

- (a) 500 vessel fishing months; or
 - (b) 125 vessels with a limit of four calendar months fishing for each vessel.
6. In the event that in the first or second year of the Regime, fishing effort of vessels of a Party in waters under the fisheries jurisdiction of the other Party is less than the annual limit set out for that year in paragraph 3 or 4 above, the unused portion of that year's limit may be carried forward and added to the limit for any subsequent year of the Regime, provided that the resulting level of fishing effort in that year of the Regime shall not exceed the limit applicable during the preceding year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime.
 7. Twelve months prior to the expiration of this Regime, the Parties shall consult to consider a new limitation regime or extension of this Regime for one or more years.
 8. If no agreement is reached and implemented by the Parties by the expiration of the Regime, then vessels of each Party may continue to fish for albacore tuna in waters subject to the fisheries jurisdiction of the other Party at a level no more than 75% of the limit applicable during the last year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime, until a new agreement is reached and implemented.

If the above understandings are acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the same date as the amendment to Article 1(b) of the Treaty enters into force in accordance with the terms of the agreement between our two Governments constituted by the exchange of Notes of July 17, 2002, and August 13, 2002.

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

For the Secretary of State:

A handwritten signature in cursive script, appearing to read "Anthony F. Rock". The signature is written in dark ink and is positioned below the typed name "For the Secretary of State".

Canadian Embassy



Ambassade du Canada

Washington, September 10, 2002

Note No. 0086

Excellency:

I have the honour to acknowledge receipt of your Note of 21 August, 2002, which reads as follows:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty"). I also have the honor to refer to the Diplomatic Note of July 17, 2002 and your Note number 84 of August 13, 2002, in reply, which contained an agreement on a proposed amendment to Article 1(b) of the Treaty.

I have the further honor to propose certain amendments to the Treaty as follows:

.../2

1. Annex A is amended so that it reads in its entirety as follows:

ANNEX A

1.
 - a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel (“Vessel Identification Marking”), (4) fishing vessel registration number, and (5) captain or operator’s name, if known.
 - b. Each Party may provide the other Party with additions or deletions to its list at any time.
 - c. As soon as possible after receipt, and subject to paragraph 1(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other

Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

- d. Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. In this event, actions pursuant to paragraph 1(c), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph 1(c).
2. If required by either Party, each vessel shall, prior to entering and leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name and the purpose for being in such Party's fishing zone.
3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently

displayed where they will be clearly visible both from the air and from a surface vessel.

4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.

5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

6. The Parties shall consult annually, *inter alia*, to:
 - a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and
 - b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters pursuant to Article 1(b) of this Treaty.

2. A new "Annex C" shall be added and it shall read in its entirety as follows:

ANNEX C

1. The Parties agree to limit fishing by each Party's vessels engaged in fishing for albacore tuna in the waters under the fisheries jurisdiction of the other Party in accordance with the limitation regime (the "Regime") below, beginning on the first June 1st occurring after the date of entry into force of this Annex and expiring at the end of the third year of the Regime as set out in paragraph 5 below.

2. For purposes of this Annex, a "vessel fishing month" as it applies to a vessel of a Party shall mean any calendar month or part thereof in which that vessel is in the waters subject to the fisheries jurisdiction of the other Party for the purpose of fishing for albacore tuna in those waters.

3. During the first year of the Regime, which shall commence on the first June 1st occurring after the date of entry into force of this Annex and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

- a. 680 vessel fishing months; or
 - b. 170 vessels with a limit of four calendar months fishing for each vessel.

4. During the second year of the Regime, which shall commence on the April 1st immediately following the end of the first year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:
 - a. 560 vessel fishing months; or
 - b. 140 vessels with a limit of four calendar months fishing for each vessel.

5. During the third year of the Regime, which shall commence on the April 1st immediately following the end of the second year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

- a. 500 vessel fishing months; or
 - b. 125 vessels with a limit of four calendar months fishing for each vessel.

6. In the event that in the first or second year of the Regime, fishing effort of vessels of a Party in waters under the fisheries jurisdiction of the other Party is less than the annual limit set out for that year in paragraph 3 or 4 above, the unused portion of that year's limit may be carried forward and added to the limit for any subsequent year of the Regime, provided that the resulting level of fishing effort in that year of the Regime shall not exceed the limit applicable during the preceding year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime.

7. Twelve months prior to the expiration of this Regime, the Parties shall consult to consider a new limitation regime or extension of this Regime for one or more years.

8. If no agreement is reached and implemented by the Parties by the

expiration of the Regime, then vessels of each Party may continue to fish for albacore tuna in waters subject to the fisheries jurisdiction of the other Party at a level no more than 75% of the limit applicable during the last year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime, until a new agreement is reached and implemented.

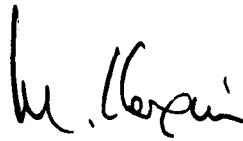
If the above understandings are acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the same date as the amendment to Article 1(b) of the Treaty enters into force in accordance with the terms of the agreement between our two Governments constituted by the exchange of Notes of July 17, 2002 and August 13, 2002.

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

I have the further honour to inform you that the Government of Canada accepts the proposal contained in Your Excellency's Note and to confirm that your Note and this Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of

all necessary internal procedures of each Party.

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



Michael Kergin

Ambassador of Canada to the United States of America

The Honourable Colin L. Powell

Secretary of State

Washington, D.C.





Washington, le 10 septembre 2002

Note No.0086

Votre Excellence,

J'ai l'honneur d'accuser réception de votre note du 21 août 2002 qui se lit comme suit:

J'ai l'honneur de me référer aux discussions qui ont eu lieu récemment entre nos deux Gouvernements en ce qui concerne le Traité concernant les thoniers (thon blanc) du Pacifique et leurs privilèges portuaires (avec annexes), signé à Washington le 26 mai 1981, tel qu'amendé par l'échange de notes du 9 octobre 1997 (« le Traité »). J'ai également l'honneur de me référer à la note diplomatique du 17 juillet 2002 et à votre note numéro 84 du 13 août 2002 en réponse qui propose un amendement à l'article 1(b) du Traité.

J'ai de plus l'honneur de proposer les amendements suivants au Traité.

1. L'annexe «A» est modifiée de manière à se lire en entier comme suit.

ANNEXE A

1.
 - a. Chaque Partie convient de fournir annuellement à l'autre Partie une liste de ses navires de pêche qui sont censés pratiquer la pêche du thon blanc au large de la côte de l'autre Partie. La liste comprendra (1) le nom du navire ; (2) le nom du port d'attache ; (3) soit l'indicatif radio, soit la marque d'identification du navire identifiant l'État du pavillon (« la marque d'identification») ; (4) le numéro d'immatriculation du navire de pêche ; (5) le nom du capitaine ou de l'exploitant, s'il est connu.
 - b. Chaque Partie peut communiquer en tout temps à l'autre Partie des additions ou suppressions à sa propre liste.
 - c. Dès que possible après réception de la liste et sous réserve du paragraphe 1d) ci-dessous, la Partie réceptrice s'assure que la liste répond aux critères du paragraphe 1a) et en informe l'autre Partie de manière à permettre que se poursuive la pêche du thon blanc en

vertu du présent Traité.

- d. Si, par suite de violations ou de contraventions sérieuses ou répétées en matière de pêche, une Partie s'oppose à l'inclusion d'un navire particulier sur la liste de l'autre Partie, les deux Parties se consultent. En pareil cas, les mesures à prendre en application du paragraphe 1c) au regard des autres navires ne sont pas reportées. Après consultations, chaque Partie notifie ses navires dont les deux Parties ont convenu qu'ils ne doivent pas figurer sur la liste visée au paragraphe 1c).
2. À la demande de l'une ou l'autre Partie, chaque navire doit, avant de pénétrer ou de quitter la zone de pêche de ladite Partie, en informer les autorités compétentes et donner le nom du navire, l'indicatif radio ou la marque d'identification du navire, le nom du capitaine ou de l'exploitant, ainsi que la justification de sa présence dans la zone de pêche de cette Partie.
3. Dans la zone de pêche de l'autre Partie, chaque navire doit arborer son

nom et, soit son indicatif radio, soit sa marque d'identification, de manière qu'ils puissent être clairement vus du haut des airs et par un navire naviguant en surface.

4. Les navires des deux Parties tiennent un journal de bord précis pendant qu'il s'adonnent à des activités de pêche en vertu du présent Traité.

5. De manière à obtenir une information plus complète sur les stocks de thons blancs qui migrent au large de la côte ouest des États-Unis et du Canada, chaque navire qui se livre à des activités de pêche en vertu du présent Traité fournit à son gouvernement des données statistiques et d'autres renseignements scientifiques sur ses opérations dans la zone de pêche de l'autre Partie. Chaque Partie fournit cette information à l'autre Partie et lui communique plus particulièrement le volume (poids) de thons blancs capturés par ses navires dans les eaux relevant de la juridiction de l'autre Partie en matière de pêche. Cette information est fournie sur une base annuelle et au moins 30 jours avant les consultations annuelles prévues au paragraphe 6 de la présente annexe. Les deux Parties conviennent des autres renseignements spécifiques à fournir ainsi que des

modalités de transmission de cette information.

6. Les Parties se consultent annuellement, notamment pour les fins suivantes:
 - a. discuter des données et des informations sur la pêche de thons blancs qui ont été échangées en application de l'article 5 de la présente annexe ;
 - b. échanger d'une part des informations concernant les mesures que chacune des Parties prend pour assurer la conservation et la gestion des thons blancs et, d'autre part, des informations concernant la mise en oeuvre des mesures convenues au plan international pour la conservation et la gestion qui sont applicables aux Parties en ce qui concerne les activités de pêche visées par le présent Traité.

Chaque Partie communique à l'autre les lois et les règlements concernant la conservation et la gestion qui sont applicables aux navires de l'autre Partie qui pêchent dans les eaux relevant de sa propre juridiction en application du paragraphe I(b) du présent Traité.

2. Une nouvelle annexe «C» est ajoutée, qui se lit en entier comme suit.

ANNEXE C

1. Les Parties conviennent de limiter la pêche de leurs navires qui pêchent le thon blanc dans les eaux relevant de la juridiction de l'autre Partie en conformité avec le régime de quotas («le régime») énoncé ci-dessous commençant le premier premier juin suivant la date de l'entrée en vigueur de la présente annexe et se terminant à la fin de la troisième année du régime de la manière indiquée au paragraphe 5 ci-dessous.
2. Pour les fins de la présente annexe, un « mois de pêche/navire » applicable à un navire de l'une des Parties s'entend d'une partie ou de la totalité d'un mois civil au cours duquel ce navire se trouve dans les eaux relevant de la juridiction de l'autre Partie afin d'y pêcher le thon blanc.
3. Pendant la première année du régime, qui commencera le premier premier juin suivant la date de l'entrée en vigueur de la présente annexe et se

terminera le 31 mars suivant, chacune des Parties limitera la pêche du thon blanc par ses navires dans les eaux relevant de la juridiction de l'autre Partie,

1. soit à 680 mois de pêche/navire,
 2. soit à 170 navires, à raison de quatre mois civils au maximum de pêche pour chaque navire.
4. Pendant la seconde année du régime, qui commencera le 1er avril suivant immédiatement la fin de la première année du régime et se terminera le 31 mars suivant, chacune des Parties limitera la pêche du thon blanc par ses navires dans les eaux relevant de la juridiction de l'autre Partie,
1. soit à 560 mois de pêche/navire,
 2. soit à 140 navires, à raison de quatre mois civils au maximum de pêche pour chaque navire.
5. Pendant la troisième année du régime, qui commencera le 1er avril suivant immédiatement la fin de la seconde année du régime et se terminera le 31 mars suivant, chacune des Parties limitera la pêche du thon blanc par ses navires dans les eaux relevant de la juridiction de l'autre Partie,

1. soit à 500 mois de pêche/navire,
 2. soit à 125 navires, à raison de quatre mois civils au maximum de pêche pour chaque navire.
-
6. Si les efforts de pêche des navires de l'une ou l'autre Partie dans les eaux relevant de la juridiction de l'autre Partie sont, au cours de la première ou de la seconde année du régime, inférieurs aux quotas énoncés aux paragraphes 3 ou 4 ci-dessus pour cette année-là, la fraction inutilisée du quota de cette année-là peut être rapportée et ajoutée au quota applicable à n'importe quelle année ultérieure du régime, à condition que l'effort de pêche total pour cette année ultérieure du régime n'excède pas le quota applicable à l'année précédente du régime à l'exclusion de tout report de quota inutilisé d'une année antérieure du régime.
 7. Douze mois avant l'expiration du régime, les Parties se consultent afin, soit d'étudier un nouveau régime de quotas, soit d'étendre le présent régime pour une année ou davantage.
 8. Si, avant la fin du régime, les Parties font défaut de s'entendre et de mettre

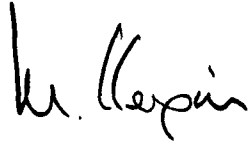
en oeuvre un accord, les navires de chacune d'elles peuvent continuer à pêcher le thon blanc dans les eaux relevant de la juridiction de l'autre Partie selon un quota égal ou inférieur à 75 pour cent du quota applicable au cours de la dernière année du régime à l'exclusion de tout report de quota inutilisé d'une année antérieure du régime, jusqu'à ce qu'un nouvel accord ait été conclu et mis en oeuvre.

Si cette proposition agréée à votre Gouvernement, j'ai l'honneur de proposer que la présente Note et la Note en réponse à celle-ci, constitueront entre nos deux Gouvernements un accord qui entrera en vigueur en même temps que l'entrée en vigueur de l'amendement à l'article 1(b) du Traité conformément à l'accord conclu entre nos Gouvernements par l'échange de notes du 17 juillet 2002 et du 13 août 2002.

Veillez agréer, Excellence, les assurances renouvelées de ma très haute considération.

J'ai également l'honneur de vous informer que le gouvernement du Canada accepte la proposition figurant dans la note de votre excellence et de confirmer que votre note et la présente note de réponse constituent un accord entre nos deux gouvernements qui entrera en vigueur à la date de la seconde de deux notes faisant partie d'un échange ultérieur de notes diplomatiques qui confirmera l'achèvement de toutes procédures internes nécessaires par chacune des Parties.

Veillez agréer, Excellence, les assurances renouvelées de ma plus haute considération.



Michael Kergin

Ambassadeur du Canada auprès des États-Unis d'Amérique

L'Honorable Colin L. Powell

Secrétaire d'État

Washington, D.C.

