

MEMORANDUM OF UNDERSTANDING
BETWEEN THE GOVERNMENT OF CANADA AND
THE GOVERNMENT OF LITHUANIA
ON MUTUAL FISHERIES RELATIONS

The Canadian and Lithuanian authorities

Having regard to the concern of the governments of both countries for the rational management, conservation and optimum utilization of the living resources of the sea, and the concern of the Government of Canada for the welfare of its coastal communities and for the living resources of the fishing zones of Canada upon which these communities depend;

Recognizing the sovereign status of Lithuania and the rights of Lithuanian vessels to fish on the high seas, consistent with their rights and obligations under the Law of the Sea;

Recognizing that the Government of Canada exercises within a zone of 200 nautical miles sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources of this area;

Recognizing that fishing operations on the Grand Bank of Newfoundland beyond the area under Canadian jurisdiction must be managed and controlled with due regard to the conservation of fish stocks, the special interest of Canada and the needs of Canadian coastal communities, and consistently with management measures established by Canada;

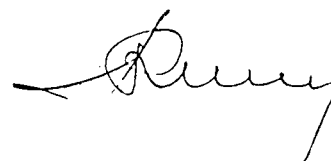
Affirming their desire for cooperation in the field of fisheries, and in particular to expand their economic cooperation in this field;

Desirous of establishing the terms and conditions under which their mutual fishery relations shall be conducted; and

Taking into account the Convention on the Law of the Sea developed by the Third United Nations Conference on the Law of the Sea;

HAVE AGREED AS FOLLOWS:

- I. The authorities of the two countries will ensure close cooperation in matters pertaining to the conservation and utilization of the living resources of the sea. They will take appropriate measures to facilitate such cooperation.

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- II.
1. The authorities of the two countries affirm the need to ensure the conservation of the living resources beyond the limits of national fisheries jurisdiction and, accordingly, undertake to cooperate in the light of this principle in order to ensure the proper management and conservation of these resources.
 2. The Lithuanian authorities will, in their cooperation pursuant to the terms of paragraph II, take into account the special interest of Canada in the conservation of straddling stocks throughout their migratory range, and comply with Canadian conservation measures with respect to such stocks adopted to ensure consistency between measures that apply outside 200 miles and measures applied by Canada inside the Canadian 200-mile limit.
 3. The Canadian and Lithuanian authorities undertake to ensure that vessels flying their flags fish in the Northwest Atlantic Fisheries Organization Regulatory Area consistent with quotas and other conservation and management measures adopted by the Northwest Atlantic Fisheries Organization for such fisheries.
 4. The Canadian and Lithuanian authorities agree that once the initial Canadian fishing licence has been granted pursuant to paragraph IV.1, there will be no objection by either Government to action taken by the respective enforcement authorities to board and inspect Canadian and Lithuanian vessels operating in the Northwest Atlantic Fisheries Organization Regulatory Area. If any vessel is found to be fishing in NAFO subarea 2 or Divisions 3K, 3L, 3N or 3O in the absence of quotas allocated by the Northwest Atlantic Fisheries Organization or in a manner that is inconsistent either with measures adopted by the Northwest Atlantic Fisheries Organization and in force for any Contracting Parties to the Northwest Atlantic Fisheries Organization, or with measures adopted by Canada with respect to stocks that extend outside the Canadian 200-mile limit to ensure consistency between measures that apply outside 200 miles and measures applied by Canada inside the Canadian 200-mile limit, the following action may be taken:
 - a) the enforcement authorities of the Party that has identified the problem may detain the vessel involved and further investigate the circumstances if necessary. The Party to which the enforcement authority belongs shall notify promptly the Party to which such person or vessel belongs of such detention and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such detention within the NAFO Convention Area, or within any convenient port.



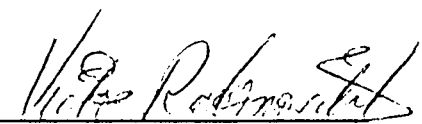
- b) When the Party which receives such notification accepts delivery, the authorized officials of that Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trial, with respect to the offence. They shall also take, for the remainder of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is prevented from conducting further operations which would allow a further detention pursuant to this paragraph. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Regulatory Area.
- c) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offence and impose penalties therefor. The witnesses and evidence necessary for establishing the offence, so far as they are under the control of either Party to this Memorandum of Understanding, shall be furnished as promptly as possible to the Party having jurisdiction to try the offence and shall be taken into account, and utilized as appropriate, by the executive authority of that Party having jurisdiction to try the offence. Penalties provided for in the relevant laws and regulations of the Parties to this Memorandum of Understanding shall be commensurate with the serious nature of the infractions.
- d) The Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections of such vessels carried out in accordance with the provisions of this paragraph by the duly authorized officials of either Party, and cooperate in such enforcement action as may be undertaken.

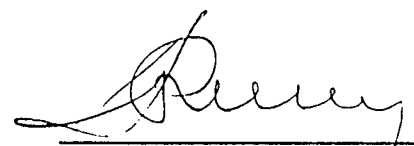
- III. 1. The authorities of the two countries recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks, and agree that fishing for anadromous species will not be conducted in areas beyond the limits of national fisheries jurisdiction.
2. The Lithuanian authorities will take measures to prevent the directed fishing by Lithuanian vessels of anadromous fish in the Northwest Atlantic Fisheries Organization Regulatory Area and to ensure that any such fish taken are returned to the sea.
3. Lithuania agrees that the procedures described in paragraph II.4 shall also apply in the Northwest Atlantic Fisheries Organization Regulatory Area to Lithuanian vessels identified as conducting directed fishing of anadromous fish or failing to return to the sea any anadromous fish taken.



- IV. 1. Taking into account the arrangements authorized under Canada's groundfish development programs, the Canadian authorities will authorize Lithuanian vessels to operate in Canadian fisheries waters, in accordance with Canadian laws, regulations and administrative requirements, under the terms of commercial agreements between Lithuanian and Canadian interests.
2. Subject to the availability of facilities and the needs of Canadian vessels, the Government of Canada will authorize Lithuanian vessels to enter Canadian ports, in accordance with Canadian laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits or effecting repairs, or for such other purposes as may be determined by the Government of Canada, where such vessels are licensed to operate in Canadian fisheries waters.
3. Such authorization may become null and void in respect of any vessel upon the cancellation or termination of its license to operate in Canadian fisheries waters, except for the purpose of entering port to purchase supplies or effect repairs necessary for its outward voyage.
4. The provisions of this article will not affect the question of access to Canadian ports in cases of distress, medical emergency or force majeure.

This Memorandum of Understanding will come into force on the exchange of letters between the authorities of the two countries to this effect. It will be valid until terminated by either Party on six months' notice.


/s/ The Government of Canada


for The Government of Lithuania

May 15, 1992, Halifax, Nova Scotia