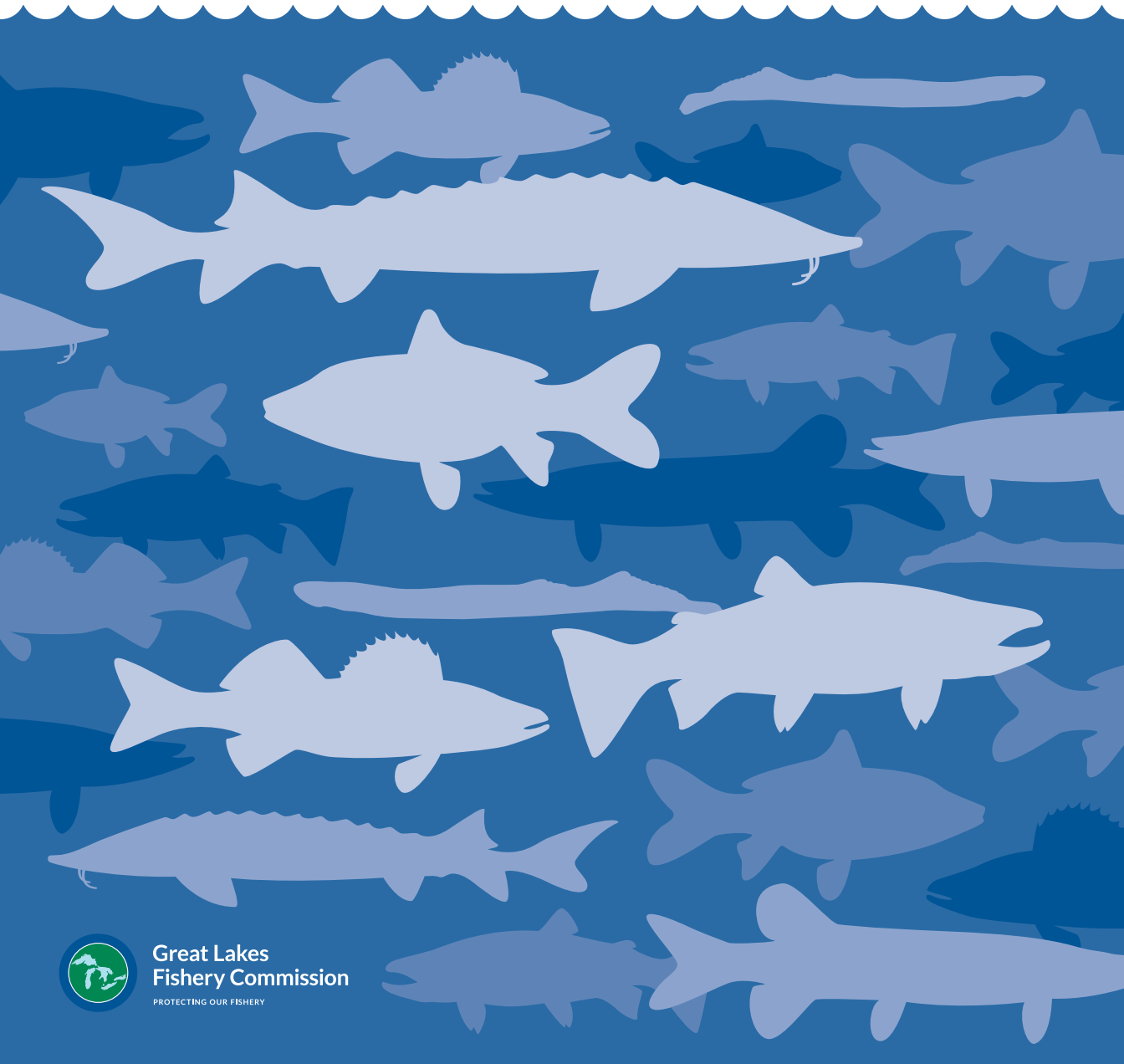


Laurentian

Journal of the
Great Lakes Fishery Commission



The Great Lakes Fishery Commission (Commission) was established by the Convention on Great Lakes Fisheries between Canada and the United States, which was ratified on October 11, 1955. The Commission was organized in April 1956 and assumed its duties as set forth in the Convention on July 1, 1956 (glfc.org/pubs/conv.pdf). The Commission has three major responsibilities: First, develop coordinated programs of research in the Great Lakes, and, on the basis of the findings, recommend measures that will permit the maximum sustained productivity of stocks of fish of common concern; second, formulate and implement a program to eradicate or minimize Sea Lamprey populations in the Great Lakes; and, third, to establish and maintain working arrangements among the fishery management agencies, which the Commission does through A Joint Strategic Plan for Management of Great Lakes Fisheries. The Commission is also required to publish or authorize the publication of scientific or other information obtained in the performance of its duties.

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Great Lakes Fishery Commission

Scope

Launched in 2022, *Laurentian* replaces three historically separate, irregularly published Commission journals: *Technical Report*, *Special Publication*, and *Miscellaneous Publication*. *Laurentian* will continue to serve as an outlet for publication of interdisciplinary review and synthesis papers; narrowly focused material with special relevance to a single but important aspect of the Commission's mandate under the Convention; and scientific reports from committees that work under the umbrella of the Commission. In addition, relevant papers that do not fit the format of mainstream journals owing, for instance, to length, extensive datasets, or nature of the material and its presentation, will be considered. For further clarification, authors are encouraged to review recent papers published under the three former titles, all available on the Commission's website (www.glfc.org).

Editorial Process

All accepted submissions to *Laurentian* will be citation indexed by ProQuest®. In continuing with this scholarly process, all submissions will be reviewed by external experts, freelance editors, or staff reviewers as indicated by the nature of the material. Manuscripts should be submitted to the Commission's managing editor (randye@glfc.org) to begin the editorial process. The editor may also be consulted in advance of submission, if authors are unsure regarding whether a proposed paper is suitable for *Laurentian*. After a submission is determined to be suitable, the managing editor will forward it to one or more freelance editors, who will arrange for peer review as needed based on subject matter. Reviews by freelance editors and the managing editor may satisfy the requirement for review, or additional reviews may be sought. The managing editor will decide on acceptance and requirements for revision based on recommendations from freelance editors and the managing editor's own review. The production editor for *Laurentian* is Jill Wingfield (jwingfield@glfc.org) and the copy editor is Gail Mitchell (cranmercom@gmail.com).

Style

The Publication Manual of the American Psychological Association (APA), Seventh Edition has been adopted for *Laurentian* (<https://apastyle.apa.org/products/apa-style-manual>).

FRONTISPIECE. Great Lakes Fishery Commission Annual Meeting, 1958, Washington, D.C.



The third annual meeting of the Great Lakes Fishery Commission (GLFC), April 1958. Several of the meeting participants were key to advancing Great Lakes science, policy, and governance during the preceding decades. Left to right: Norm Baldwin (in profile), the GLFC's first Executive Secretary; GLFC Commissioners Donald McKernan, Lester P. Voight, Andrew Pritchard, William Harkness, and Arthur Blackhurst; Isla Davies, Warren Looney, and Stuart Blow (U.S. Department of State). Pritchard and Looney were key witnesses in Canada and the USA, respectively, during hearings on the proposed Convention on Great Lakes Fisheries between the United States of America and Canada. Harkness and many others advocated for many decades the need for more and better science.

Image by H. Meyle (U.S. Department of State) courtesy of the Great Lakes Fishery Commission.

Historical Documents Related to Joint Governance of the Great Lakes Fishery, including an Annotated Convention on Great Lakes Fisheries, Its Enabling Legislation, and Failed Precursors

Marc Gaden^{1,2*}, Cory O. Brant^{1,3}, Robert Lambe¹, Greg McClinchey¹, Jill Wingfield¹, and Chris Grubb¹

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[https://www.glf.org/
laurentian2026-01-1.php](https://www.glf.org/laurentian2026-01-1.php)

ABSTRACT

Cooperative governance of the Canada–U.S. Great Lakes fishery was first proposed in 1897 after the Joint Commission Relative to the Preservation of the Fisheries in Waters Contiguous to Canada and the United States observed that inadequate science, lack of regulations, and jurisdictional chaos had contributed to severe fishery losses. An agreement to bring cohesion to fishery governance was first proposed in 1908. Another agreement, in 1946, attempted to do the same. Both treaties failed largely because they created a joint commission that would have stripped the state and provincial jurisdictions of their fishery-management authority and because of limited appetite to regulate. A third attempt at an agreement in 1954, the Convention on Great Lakes Fisheries between the United States of America and Canada, succeeded because it denied the joint commission—now called the Great Lakes Fishery Commission (GLFC)—regulatory authority. Instead, the GLFC was vested with the responsibility to advance Great Lakes science, help jurisdictions work together, and control the noxious Sea Lamprey *Petromyzon marinus*. This publication, a companion to Gaden et al. (2022), includes a brief description of the origins of each of the three agreements; provides an annotated version of the successful Convention of 1954, including intent and implementation; and contains facsimiles of the actual agreements and related documents.

INTRODUCTION

In 1892, the Joint Commission Relative to the Preservation of the Fisheries in Waters Contiguous to Canada and the United States (Joint Commission of 1892) was formed in a period of tension between Canada and the USA over the fishery. This joint commission's report, issued in 1897 (along with several previous, more localized surveys), painted a dismal picture of the Great Lakes fishery (Wakeham and Rathbun 1897). Severe overfishing and exceedingly lethal fishing gear, along with habitat loss and pollution, contributed to the near extirpation of many of the region's most valuable fish species. Moreover, science was at a premium; agencies had scarce information upon which to base decisions.

The report of the Joint Commission of 1892 also concluded that fragmented governance contributed seriously to the problems plaguing the Great Lakes fishery. Two nations, eight states, one province, and multiple Indigenous governments border the Great Lakes. Fish do not observe political boundaries, and, as such, management actions truly are a collective effort among many authorities. Management chaos, called "divided governance", thwarted effective fishery management when the multiple jurisdictions did not cooperate.

To remedy the divided governance problem, the Joint Commission of 1892 proposed a treaty between Great Britain (on behalf of Canada) and

the USA to foster ongoing cooperation—the Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada (Treaty of 1908^{4,5}). The Treaty of 1908 failed because the USA, unwilling to regulate, did not put the treaty into force, and because the treaty gave too much regulatory power to a permanent joint commission. As fishery problems persisted well into the 20th century, another joint body, the 1940 International Board of Inquiry, reached a similar conclusion in 1942, as did the Joint Commission of 1892—that fishing regimes needed to be regulated and that a joint commission was the best do so. A subsequent agreement—the Great Lakes Fisheries Convention between Canada and the United States of 1946 between Canada and the USA (Convention of 1946^{6,7})—was proposed in 1946. The Convention of 1946 failed for the same reasons the Treaty of 1908 failed—too much regulatory power was granted to a joint commission.

Meanwhile, the Sea Lamprey *Petromyzon marinus*, reported in Lake Erie in 1921, invaded the upper Great Lakes. By the late 1940s, the Sea Lamprey wreaked such havoc that commercial fishers and policy makers concluded only a combined Canada–U.S. response to the problem would save the fishery. The two nations tried again for an agreement, this time focusing on science, Sea Lamprey control, and voluntary

⁴United States Convention. Protection of Food Fishes, 11 April 1908; The National Archives, Kew, United Kingdom, FO 93/8/118.

⁵Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada, signed April 11, 1908; Treaty Series 498 AO: United Kingdom–Fisheries in United States and Canadian Waters, April 11, 1908; Perfected Treaties, 1778–1945, American Originals: 1 AO–994 AO; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

⁶Library and Archives Canada, RG25-B-2, Volume number: 2140, File part: 1.

⁷Great Lakes Fisheries Convention between the United States and Canada, signed April 2, 1946; Unperfected P-13: Great Lakes Fisheries Convention, U.S.–Canada. Washington, April 2, 1946; Unperfected Treaties and Other International Agreements, 1784–1983: A-Y14 and Unlettered; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

coordination among the jurisdictions, while abandoning the idea of ending divided governance by shifting regulatory authority away from the states and the Province of Ontario. This third attempt at an agreement succeeded with the signing and ratification of the Convention on Great Lakes Fisheries between the United States of America and Canada in 1954 (Convention of 1954^{8,9}). The Convention of 1954 created the Great Lakes Fishery Commission (GLFC) to implement the agreement.

The GLFC, which began operations in 1956, is made up of four Commissioners from each country (each country also appoints an alternate Commissioner). Commissioners are served by a secretariat, located in Ann Arbor, Michigan. Both nations passed laws—called enabling legislation—that implement the Convention of 1954 and authorize appropriations to carry out its provisions.

This publication, for the first time in one document, contains the text of the Convention of 1954, the enabling legislation from both nations, the failed Treaty of 1908, and the failed Convention of 1946. This publication also contains an annotated Convention of 1954 that provides every clause, describes the intent behind each clause, and analyzes how each clause has been implemented over the years.

Lastly, this publication includes a table that compares the three agreements. In most cases, the documents included in this publication are facsimiles of the original texts in an effort to preserve the original flavor of the documents.

Gaden et al. (2022) contains a detailed history of the problems affecting the Great Lakes fishery from the late 1800s to the formation of the GLFC and should be considered a companion to this document. A short version of the history is included in Gaden et al. (2021).

Overall, evolution of the agreements and laws compiled in this document resulted eventually in an effective, binational fishery-management regime on the Great Lakes that has endured despite shifts in governmental priorities and societal changes. Sea Lamprey populations have been reduced by 90% in most areas of the Great Lakes (Swink 2003; Siefkes et al. 2013; Robinson et al. 2021); research is robust, coordinated, and well suited for practical applications (Wingfield et al. 2021); and management among the various government authorities is highly cooperative (Gaden et al. 2013). This successful regime is testament to the enduring willingness of Canada, the USA, the states, the Province of Ontario, and Indigenous nations to work together for science-based fishery management of the Great Lakes.

⁸Library and Archives Canada, RG25-B-2, Volume number: 2140, File number: 701, File part: 2.

⁹Convention on Great Lakes Fisheries between the United States of America and Canada, signed September 10, 1954; TIAS 3326: Canada, Great Lake Fisheries, September 10, 1954; Treaties and Other International Acts (TIAS), 1942-95: 1501-12695; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

CONVENTION ON GREAT LAKES FISHERIES BETWEEN THE UNITED STATES OF AMERICA AND CANADA (1954), AS AMENDED (1967)

In 1954, after two failed attempts at an agreement, Canada and the USA signed (and ratified the following year), the Convention on Great Lakes Fisheries between the United States of America and Canada (Convention of 1954^{10,11}). The Convention of 1954 created the Great Lakes Fishery Commission (GLFC) and charged it to:

- Formulate a research program to identify measures to enhance the sustained productivity of any Great Lakes fish stock of common concern
- Coordinate research made pursuant to such research programs and, if necessary, to undertake such research itself
- Recommend appropriate measures to the contracting parties on the basis of the findings of such research programs
- Formulate and implement a comprehensive Sea Lamprey *Petromyzon marinus* control program
- Publish or authorize the publication of scientific and other information obtained by the GLFC in the performance of its duties

Article VI of the Convention of 1954, directed the GLFC to “establish and maintain working arrangements” among the various entities—an acknowledgement that divided governance, which persisted, needed to be considered. Thus, per Article VI, the GLFC provides an institutional arrangement for state, provincial, Indigenous, and federal jurisdictions to work together, done mainly through a lake committee for each Great Lake. In 1981, the lake committees were strengthened through the signing of *A Joint Strategic Plan for Management of Great Lakes Fisheries* (Joint Strategic Plan) (GLFC 2007), the plan under which the sub-national entities operate for day-to-day and long-term management of the fishery.

The following pages are facsimiles of the Convention of 1954, as signed by each nation. In 1967, Canada and the USA enlarged the GLFC from three members to four from each nation to ensure better representation from both the upper and lower lakes. This amendment was achieved through an exchange of notes and ratified through each nation’s respective process for amending a treaty¹².

¹⁰Library and Archives Canada, RG25-B-2, Volume number: 2140, File number: 701, File part: 2.

¹¹Convention on Great Lakes Fisheries between the United States of America and Canada, signed September 10, 1954; TIAS 3326: Canada, Great Lake Fisheries, September 10, 1954; Treaties and Other International Acts (TIAS), 1942-95: 1501-12695; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

¹²Canada Treaty Series No. 10.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA

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

The Government of Canada and the Government of the United States of America,

Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,

Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by Canada and the United States of America are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern,

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and

Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference; and

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the United States of America, and

William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference,

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

ARTICLE I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area".

This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (Petromyzon marinus) in the Convention Area.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

ARTICLE II

1. The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold in camera.

ARTICLE III

1. 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 Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

ARTICLE IV

The Commission shall have the following duties:

- (a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of Canada and the United States of America and to determine what measures are best adapted for such purpose;

- (b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;
- (c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;
- (d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and
- (e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

ARTICLE V

In order to carry out the duties set forth in Article IV, the Commission may:

- (a) conduct investigations;
- (b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and
- (c) hold public hearings in Canada and the United States of America.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

ARTICLE VI

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.

2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

ARTICLE VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

ARTICLE VIII

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

ARTICLE IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

ARTICLE X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

ARTICLE XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

ARTICLE XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE ARCHIVES OF CANADA. Continued.

IN WITNESS WHEREOF the respective Plenipotentiaries
have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of
September, 1954.

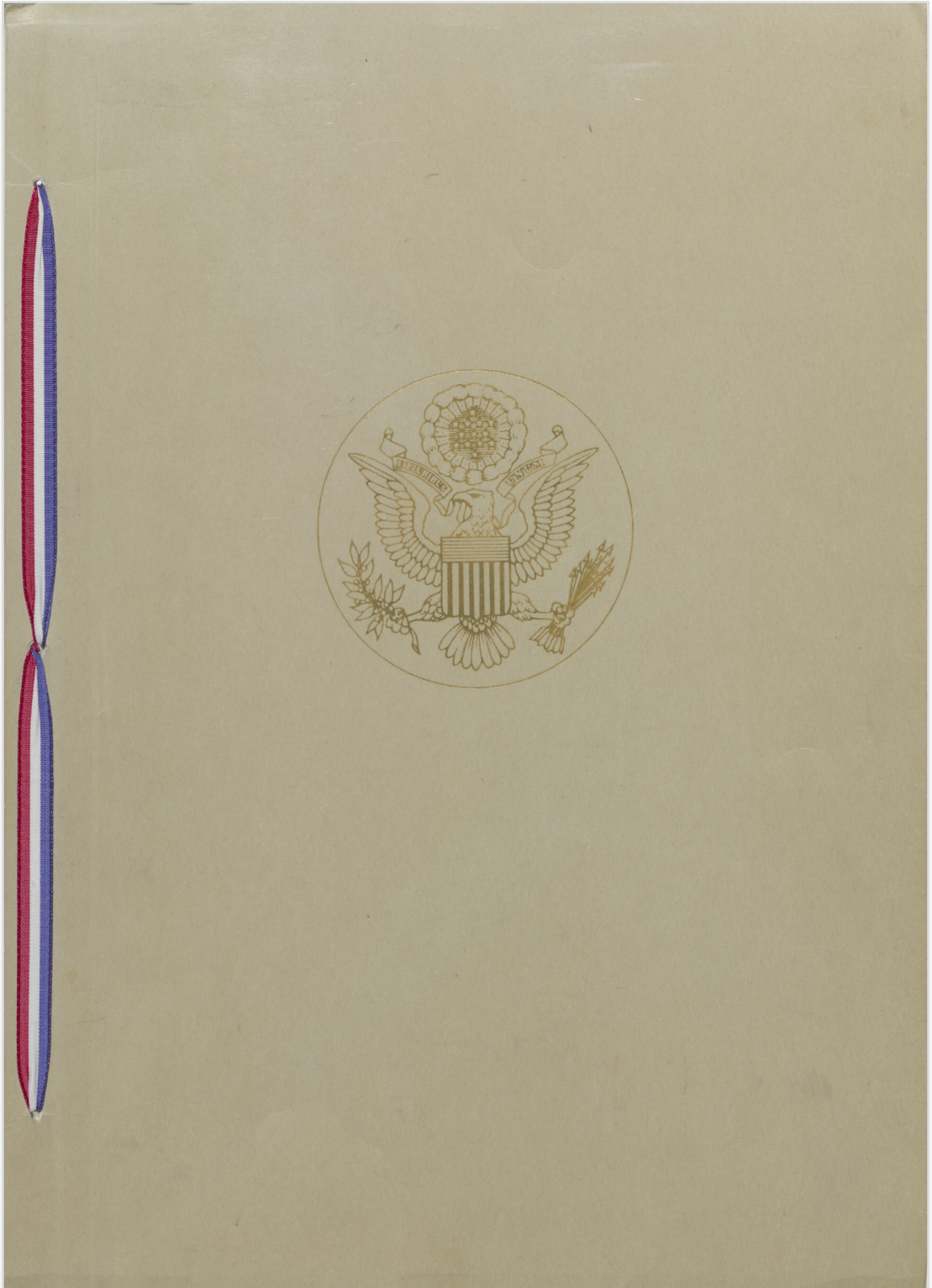
FOR THE GOVERNMENT OF CANADA:

D. J. Murray
Secretary of State

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Walter Bedell Smith
Wm C. Herringford

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES



FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

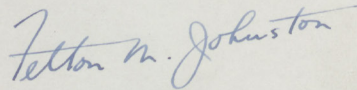
Senate of the United States

IN EXECUTIVE SESSION

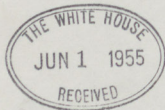
Wednesday, June 1, 1955

Resolved, (Two-thirds of the Senators present concurring therein) That the Senate advise and consent to the ratification of Executive B, Eighty-fourth Congress, first session, a Convention on Great Lakes fisheries between the United States of America and Canada, signed at Washington on September 10, 1954.

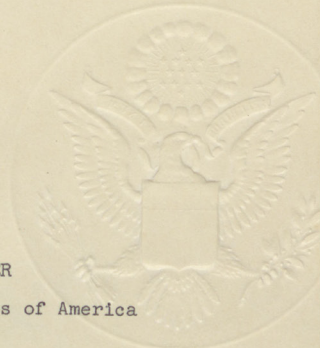
Attest:



Secretary.



FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.



DWIGHT D. EISENHOWER

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE That, whereas a convention on Great Lakes fisheries between the United States of America and Canada was signed by their respective plenipotentiaries at Washington on September 10, 1954, the original of which convention is hereunto annexed;

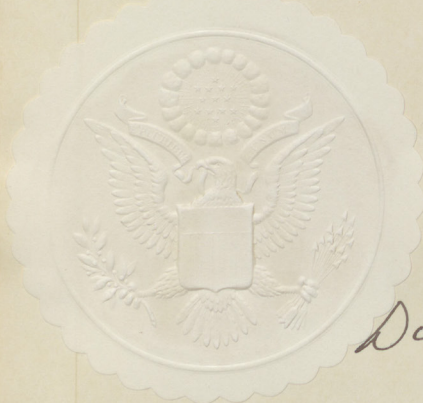
FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

AND WHEREAS the Senate of the United States of America by their Resolution of June 1, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, having seen and considered the said convention, do hereby, in pursuance of the aforesaid advice and consent of the Senate, ratify and confirm the same and each and every article and clause thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington
this sixth day of June
in the year of our Lord
one thousand nine hundred
fifty-five and of the
Independence of the United
States of America the one
hundred seventy-ninth.



Dwight D. Eisenhower

By the President:

Robert A. Lovett
Secretary of State

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention on Great Lakes fisheries between the United States of America and Canada was signed by their respective plenipotentiaries at Washington on September 10, 1954, the original of which convention is word for word as follows:

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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

The Government of the United States of America and the
Government of Canada,

Taking note of the interrelation of fishery conservation
problems and of the desirability of advancing fishery research
in the Great Lakes,

Being aware of the decline of some of the Great Lakes
fisheries,

Being concerned over the serious damage to some of these
fisheries caused by the parasitic sea lamprey and the continu-
ing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by the
United States of America and Canada are essential in order to
determine the need for and the type of measures which will
make possible the maximum sustained productivity in Great Lakes
fisheries of common concern,

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the United States of America, and
William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference; and

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and
Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference,
who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area". This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (Petromyzon marinus) in the Convention Area.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

ARTICLE II

1. The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold in camera.

ARTICLE III

1. 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 Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

ARTICLE IV

The Commission shall have the following duties:

- (a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose;

- (b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;
- (c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;
- (d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and
- (e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

ARTICLE V

In order to carry out the duties set forth in Article IV, the Commission may:

- (a) conduct investigations;
- (b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and
- (c) hold public hearings in the United States of America and Canada.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

ARTICLE VI

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.

2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

ARTICLE VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

ARTICLE VIII

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

ARTICLE IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

ARTICLE X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

ARTICLE XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

ARTICLE XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

IN WITNESS WHEREOF the respective Plenipotentiaries
have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of
September, 1954.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Walter Bedell Smith
Wm C Harrington

FOR THE GOVERNMENT OF CANADA:

J. P. Murray
Stewart Bates

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.

WHEREAS the Senate of the United States of America by their Resolution of June 1, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

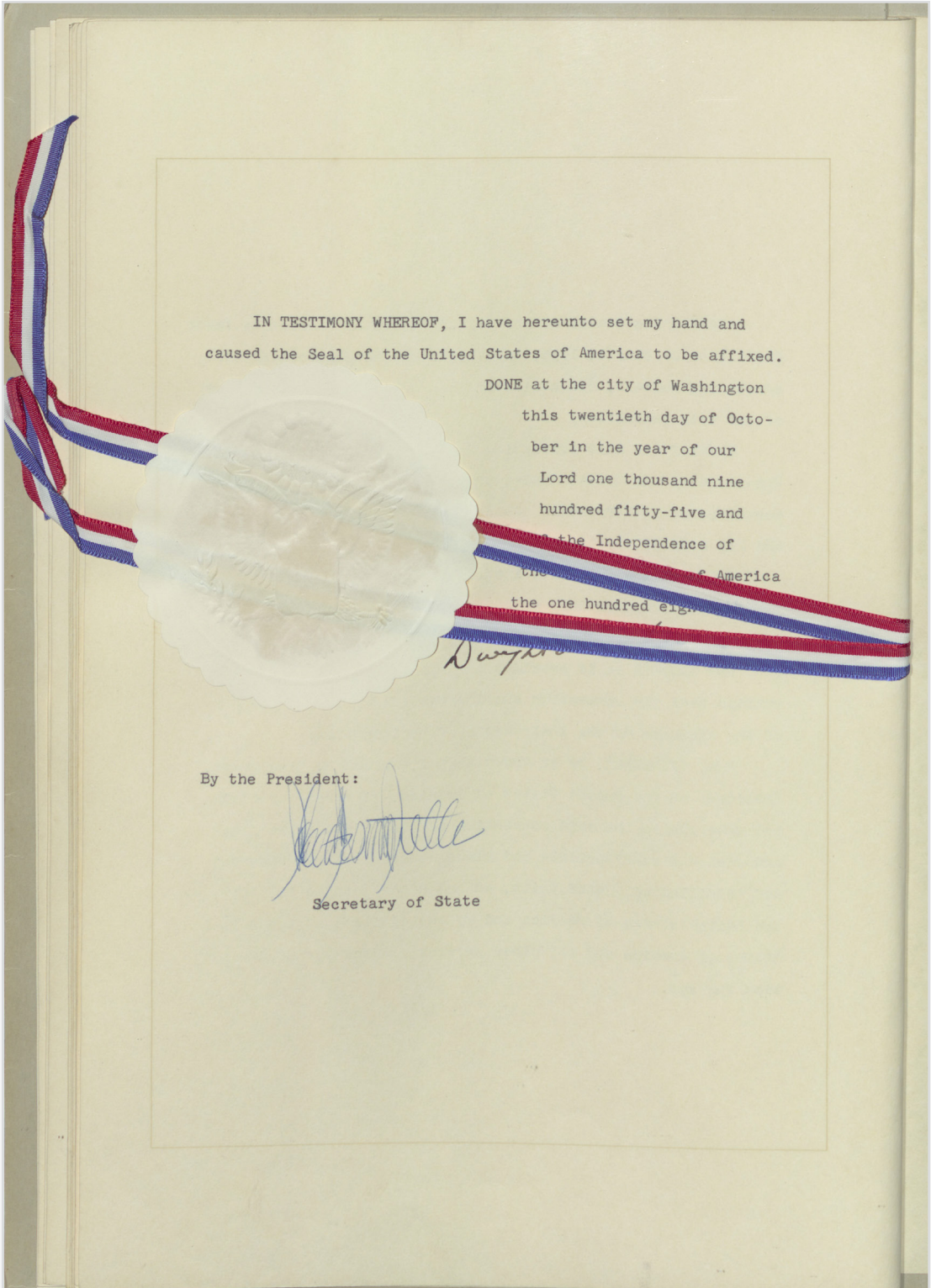
WHEREAS the said convention was duly ratified by the President of the United States of America on June 6, 1955, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on October 11, 1955;

AND WHEREAS it is provided in Article XIII of the said convention that the convention shall enter into force on the date of the exchange of the instruments of ratification;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after October 11, 1955, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.



FACSIMILE OF THE CONVENTION OF 1954 FROM THE U.S. NATIONAL ARCHIVES. Continued.



FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA



CANADA

TREATY SERIES **1967 No. 10** RECUEIL DES TRAITES

FISHERIES

Great Lakes

Exchange of Notes between CANADA and the UNITED STATES OF AMERICA

Ottawa, April 5, 1966 and May 19, 1967

Entered into force May 19, 1967

PECHERIES

Les Grands Lacs

Echange de Notes entre le CANADA et les ÉTATS-UNIS D'AMÉRIQUE

Ottawa les 5 avril 1966 et 19 mai 1967

En vigueur le 19 mai 1967

32 757 106 / 32 757 680

b 1639146 / b 1638889

FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA. Continued.

EXCHANGE OF NOTES (April 5, 1966 and May 19, 1967) BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AMENDING THE CONVENTION ON GREAT LAKES FISHERIES DONE AT WASHINGTON SEPTEMBER 10, 1954.

The Secretary of State for External Affairs to the Ambassador of the United States in Canada.

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, April 5, 1966.

No. X-92

EXCELLENCY,

I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954⁽¹⁾ to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

In accordance with those conversations, it is the understanding of the Government of Canada that the above-mentioned Convention shall be amended by substituting the word "four" for the word "three" in the second sentence of paragraph 1 of Article II.

I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of your Excellency's reply.

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

PAUL MARTIN

His Excellency W. Walton Butterworth,
Ambassador of the United States of America,
100 Wellington Street,
Ottawa.

⁽¹⁾ Canada Treaty Series 1955 No. 19.

FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA. Continued.

(Traduction)

ÉCHANGE DE NOTES (Les 5 avril 1966 et 19 mai 1967) ENTRE LE GOUVERNEMENT DU CANADA ET LA GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE MODIFIANT LA CONVENTION RELATIVE AUX PÊCHERIES DES GRANDS LACS ET SIGNÉE À WASHINGTON LE 10 SEPTEMBRE 1954.

Le Secrétaire d'État aux Affaires extérieures à l'Ambassadeur des États-Unis d'Amérique au Canada.

MINISTÈRE DES AFFAIRES EXTÉRIEURES

Ottawa, le 5 avril 1966

N° X-92

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de me référer aux entretiens qu'ont eus les représentants de nos deux gouvernements au sujet d'une modification à la Convention relative aux pêcheries des Grands Lacs entre le Canada et les États-Unis d'Amérique, signée à Washington le 10 septembre 1954,⁽¹⁾ et pourvoyant à la nomination, par chacune des parties contractantes, d'un nouveau membre à la Commission des pêcheries des Grands Lacs.

De ces entretiens, le gouvernement canadien conclut que la Convention précitée sera modifiée par la substitution du mot "quatre" au mot "trois" dans la deuxième phrase de l'alinéa 1 de l'Article II.

J'ai aussi l'honneur de proposer que, sur confirmation de l'entente précitée de la part du gouvernement des États-Unis, cette note et la réponse de votre Excellence constituent, entre nos deux gouvernements, un accord qui entrera en vigueur à la date de la réponse de votre Excellence.

Veillez agréer, Monsieur l'Ambassadeur, les assurances renouvelées de ma très haute considération.

PAUL MARTIN

Son Excellence
Monsieur W. Walton Butterworth
Ambassadeur des États-Unis d'Amérique
100 rue Wellington
Ottawa

⁽¹⁾ Recueil des Traités 1955 No 19.

FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA. Continued.

1967 No. 10

4

The Ambassador of the United States of America to Canada to the Secretary of State for External Affairs.

EMBASSY OF THE UNITED STATES OF AMERICA

Ottawa, May 19, 1967.

No. 298

SIR:

I have the honor to refer to your note of April 15, 1966, which reads as follows:

"I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954 to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

"In accordance with those conversations, it is the understanding of the Government of Canada that the above-mentioned Convention shall be amended by substituting the word 'four' for the word 'three' in the second sentence of paragraph 1 of Article II.

"I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply."

I have the honor to confirm the foregoing understanding on behalf of my Government. Accordingly, your note and this reply shall constitute an agreement between our two Governments, which shall enter into force this day.

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

W. W. BUTTERWORTH

The Honorable
Paul Martin,
Secretary of State for External Affairs,
Ottawa.

FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA. Continued.

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1967 N° 10

*L'Ambassadeur des États-Unis d'Amérique au Canada au Secrétaire d'État
aux Affaires extérieures.*

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

Ottawa, le 19 mai 1967.

N° 298

MONSIEUR,

J'ai l'honneur de me référer à votre note du 5 avril 1966, dont voici la teneur:

«J'ai l'honneur de me référer aux entretiens qu'ont eus les représentants de nos deux gouvernements au sujet d'une modification à la Convention relative aux pêcheries des Grands Lacs, entre le Canada et les États-Unis d'Amérique, signée à Washington le 10 septembre 1954, et pourvoyant à la nomination, par chacune des parties contractantes, d'un nouveau membre à la Commission des pêcheries des Grands Lacs.

«De ces entretiens, le gouvernement canadien conclut que la Convention précitée sera modifiée par la substitution du mot «quatre» au mot «trois» dans la deuxième phrase de l'alinéa 1 de l'article II.

«J'ai aussi l'honneur de proposer que, sur confirmation de l'entente précitée de la part du gouvernement des États-Unis, cette note et la réponse de votre Excellence constituent, entre nos deux gouvernements, un accord qui entrera en vigueur à la date de la réponse de votre Excellence.»

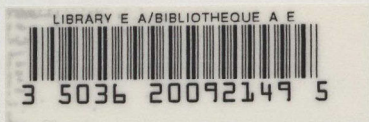
J'ai l'honneur de confirmer l'entente précitée, au nom de mon gouvernement. En conséquence, votre note et cette réponse constituent, entre nos deux gouvernements, un accord qui entre en vigueur aujourd'hui.

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

W. W. BUTTERWORTH

L'honorable Paul Martin,
Secrétaire d'État, aux Affaires Extérieures,
Ottawa.

FACSIMILE OF THE 1967 AMENDMENT TO THE CONVENTION OF 1954, EXCHANGE OF NOTES BETWEEN CANADA AND THE USA. Continued.



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Annotated Convention of 1954

The Convention of 1954 was negotiated between representatives from Canada and the USA starting in 1952 and signed in 1954. Negotiators were acutely aware of the two failed earlier agreements and were strongly motivated to take joint action to save them (described in Gaden et al. 2022). Poor science capacity and the Sea Lamprey invasion, exacerbated by divided governance, posed existential threats to the fishery resource.

The following table lists each clause of the U.S. Convention of 1954, and based on hearings and other documents from once-confidential files, describes the intent of each clause. Built from decades of institutional knowledge of the operations of the GLFC and literature, we also compare intended implementation with actual implementation for each clause.

ARTICLE I

Clause	Intended Implementation	Actual Implementation
<p>“This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as “the Convention Area.” This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (<i>Petromyzon marinus</i>) in the Convention Area.”</p>	<ul style="list-style-type: none"> • It was standard practice for any treaty, convention, or similar instrument to define the area covered in the agreement. • The convention allowed the GLFC to address fish stocks of common concern in the area, not just the traditional fishery. • All five Great Lakes and connecting waters were included because fish stocks of common concern were migratory. • Great Lakes tributaries were included because of their role in providing spawning, nursery, and resident habitat and feeding opportunities for fish stocks of common concern. • Sea Lamprey used Great Lakes tributaries to spawn. Sea Lamprey control required actions in tributaries. 	<ul style="list-style-type: none"> • The GLFC has limited its Sea Lamprey control program to the convention area and has supported research designed primarily to benefit the convention area. • The U.S. section has assisted other regions in the establishment and implementation of their Sea Lamprey control programs since the late 1980s, most notably in the Finger Lakes (New York) and in Lake Champlain. However, the GLFC’s role has been advisory and fiduciary. Funding for Sea Lamprey control efforts outside the convention area has been provided solely by the U.S. government.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE I. Continued.

Clause	Intended Implementation	Actual Implementation
	<ul style="list-style-type: none"> • By the time the convention was approved: <ul style="list-style-type: none"> - It was believed that research conducted by the federal governments, eight states, and the Province of Ontario “was not the most effective manner of achieving maximum results from research” (Looney 1955, p. 9). - It was widely known that individual efforts by the jurisdictions to control Sea Lamprey did not result in a coherent, effective control program given the migratory nature of Sea Lamprey and the geographic scope of its expansion in the Great Lakes (Gaden et al. 2022). 	<ul style="list-style-type: none"> • The GLFC supports science throughout the convention area and in other regions of the world if there is applicability to the Great Lakes region. • The GLFC facilitates cross-border cooperation among all jurisdictions in the convention area.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE II

Clause	Intended Implementation	Actual Implementation
<p>“The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as “the Commission,” and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.”</p>	<ul style="list-style-type: none"> • The diffuse nature of governance allowed many problems to fester or worsen. The problems were too large and complex for any one jurisdiction to manage. The governments of Canada and the USA created a central mechanism in the GLFC to coordinate research, carry out Sea Lamprey control, and help the jurisdictions work together within the divided governance milieu. 	<ul style="list-style-type: none"> • The GLFC was formally established when the convention was approved in 1955. • The GLFC began operations in April 1956 after the governments of Canada and the USA approved enabling legislation and provided funding to operate the GLFC. • The governments of Canada and the USA enlarged the GLFC to four members from each country in 1967. The intent was to broaden the perspective brought to the GLFC. • The USA (in 1986 through statute¹³) added an alternate Commissioner to serve if a vacancy or absence arose. The Privy Council of Canada (in 2024) appointed an alternate Commissioner to serve if a vacancy or absence of a federal official arose. • U.S. Commissioners are appointed by the U.S. President, consistent with the enabling legislation, as amended in 1986: <ul style="list-style-type: none"> - One Commissioner must represent a state agency. - One Commissioner must be a federal government official. - Three Commissioners serve fixed 6-year terms; no two Commissioners who serve 6-year terms can be from the same state. - The federal official and alternate Commissioners serve at the pleasure of the President with no fixed term limit. - Commissioners do not require Senate confirmation. - Commissioners do not receive remuneration.

¹³U.S. Code, volume 16, sections 931-939c.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE II. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.”</p>	<ul style="list-style-type: none"> • At the start of negotiations, one model, which was rejected, would have given more weight to the USA because of the number of jurisdictions in the USA (eight U.S. states versus one Canadian province) and the fact that all of Lake Michigan is in the USA (Gaden et al. 2022). • After some debate, negotiators determined that each country would carry equal weight on the GLFC in terms of decision making. • By mandating that decisions required the approval of both sections, the convention established the need for the GLFC to operate by consensus. 	<ul style="list-style-type: none"> • Canadian Commissioners are appointed by the Privy Council. Although the enabling legislation does not specify the makeup of the GLFC, by tradition, one member is an official of the Province of Ontario and one member is a federal official. • The governments of Canada and the USA include academic and municipal representation on the GLFC. • There has been confusion about who Commissioners represent. Clarification from both governments indicates that Commissioners represent the interests of the GLFC, with consideration for the perspectives of each Commissioner’s respective contracting party (Canada or the USA). • The GLFC operates by consensus—the convention requires a vote by section, not by member. Since 1956, votes have been extremely rare. • The treaty does not specify how each section is to come to its decision. The issue has been clarified through the Commission’s ability to set its rules of procedure: section votes should be consensus-based. If that is not possible, the section vote is by member.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE II. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold <i>in camera</i>.”</p>	<ul style="list-style-type: none"> • Convention framers were concerned that the GLFC would operate in a heavy-handed way and outside the public view. The creation of advisory committees ensured outside participation in GLFC discussions and actions. • Convention framers understood that each section had unique dynamics, relationships with sub-national governments, and interactions with stakeholders. Rather than form a single advisory committee, each section was permitted to establish an advisory committee aligned with the circumstances in each country. • U.S. convention framers were concerned particularly about the relationship between the GLFC and state management agencies and, therefore, envisioned the U.S. advisory committee would include substantial state representation (Gaden et al. 2022). 	<ul style="list-style-type: none"> • The U.S. enabling legislation, the Great Lakes Fishery Act of 1956, created a committee of advisors for each Great Lake with the following requirements: <ul style="list-style-type: none"> - Each state has four advisors for each lake it borders. Advisors represent the sport fishery, the commercial fishery, the public-at-large, and the state management agency. - Committee members are appointed from a list of nominees supplied by state Governors. In practice, Governors submit a list of a single nominee. The GLFC has rarely rejected a nominee. - Formal tribal representation was not included on the committee, a major limitation. To work around that problem, representatives of tribal agencies of the Joint Strategic Plan are invited to all advisor meetings. - Advisors are to examine and be heard on issues of interest to the Great Lakes fishery. • The Canadian section established an informal committee of advisors consisting of a sport and commercial-fishing advisor in the 1980s: <ul style="list-style-type: none"> - The committee was formalized in 1999 and expanded to include one representative each from the environmental community, academia, Indigenous organizations, and the public-at-large. - The committee was further expanded in 2017 to add additional representatives in the above categories and to include representatives from municipalities and other conservation authorities. - The Canadian section appoints advisors after seeking advice from the Province of Ontario and secretariat staff.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III

Clause	Intended Implementation	Actual Implementation
<p>“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 Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations rules and financial regulations. • The convention intended to ensure that neither country would dominate leadership. The convention delineated the process for how Chairs and Vice-Chairs would be selected and how they would alternate on a fixed schedule. 	<ul style="list-style-type: none"> • The GLFC selected John Farley (USA) to serve as Chair and Andrew Pritchard (Canada) to serve as Vice-Chair in its initial organizational meeting (GLFC 1956; held April 23–25, 1956) in Ottawa. • The Chair and Vice-Chair have alternated biennially between the sections since the organizational meeting. • Agency Commissioners, who also have served as GLFC Chairs, have been challenged occasionally with conflicts of interest between GLFC strategies and the Commissioner’s agency. Such potential conflict has, at times, been a consideration when the Canadian and U.S. sections have selected Chairs and Vice-Chairs.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe GLFC operations in detail. Instead, the GLFC was given license to establish its procedural rules and financial regulations rules, and to select the location of the secretariat. 	<ul style="list-style-type: none"> • In 1956, William Harkness (Ontario Department of Lands and Forests) offered space at the department’s Maple, Ontario, office complex for the secretariat office because many research facilities were established at Maple (MacDougall 1956). • The GLFC selected Ann Arbor, Michigan, for the secretariat location during its 1956 interim meeting in Sault Ste. Marie, Ontario. Ann Arbor was selected because, initially, space was provided by the University of Michigan: <ul style="list-style-type: none"> - The secretariat has been in Ann Arbor since 1956. - The secretariat currently occupies space in a commercial building; in the past, the secretariat was co-located with the U.S. Fish and Wildlife Service (FWS) and the University of Michigan. • Minutes from organizational meetings do not contain enough details to determine why Ann Arbor was selected instead of Maple.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations. • The convention envisioned much of the GLFC’s operations would occur publicly. 	<ul style="list-style-type: none"> • The first GLFC organizational meeting was held April 23–25, 1956, in Ottawa. • The first GLFC interim meeting was held July 30–31, 1956, in Sault Ste. Marie, Ontario. • The first GLFC annual meeting was held November 19–20, 1956, in Ann Arbor, Michigan. • Public annual meetings and semi-annual (interim) meetings have been held since 1956 nearly without interruption. The only exceptions were cancellation of the 2020 annual meeting due to COVID-19 and the cancellation of the 2023 annual meeting because of governance issues with Canada. • As a substitute for the canceled 2020 annual meeting, a truncated web meeting was held May 28, 2020, via video conference. The 2021 annual meeting was held in its entirety, although virtually. The GLFC returned to a standard, in-person meeting format in 2022 with a live webcast option for that meeting only. • Interim meetings since the 1970s have been <i>in camera</i> to focus on budget, program delivery, administrative and program strategies, and internal issues.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations. • The convention expected governments to provide the necessary resources for the GLFC to function. 	<ul style="list-style-type: none"> • Consistent with its financial regulations and operational rules established in April 1956 (and amended periodically), the GLFC has produced an annual budget, approved annual disbursement of funds, and employed staff. • The governments of Canada and the USA have occasionally asked the GLFC to administer funds for projects consistent with the GLFC’s mandate but related to a domestic program. Examples include special infrastructure projects, science investigations on invasive carp on behalf of Fisheries and Oceans Canada (DFO), projects to implement the U.S. Great Lakes Restoration Initiative, and the administration of Canada’s Great Lakes-St. Lawrence River Collaborative. The projects, which do not require joint disbursement of funds, have either been approved by the respective section or have fallen within the discretion of the Executive Secretary. • The GLFC has routinely purchased equipment, vehicles, and other items to carry out its program. The GLFC owns most of the equipment it purchases.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead the GLFC was given the ability to establish its procedural rules and financial regulations. • Neither the convention nor enabling legislation in either country subjected these rules to review or approval by the contracting parties. • Rules are expected to be consistent with laws and the convention. 	<ul style="list-style-type: none"> • Until 2019, the GLFC has leased its buildings: <ul style="list-style-type: none"> - The GLFC (in 2019) acquired property in Ludington, Michigan, to house the FWS Sea Lamprey control staff. - The GLFC (in 2025) acquired property in Sault Ste. Marie, Ontario, to house equipment for the Sea Lamprey control program. - The GLFC (in 2020) acquired property in Marquette, Michigan, to house the FWS Sea Lamprey control staff. - The decision to acquire property and construct buildings was based on a business case that revealed buyback was approximately 5 years relative to current and projected lease costs for a facility of similar capacity required for ongoing Sea Lamprey control based in Michigan. • The GLFC’s operational rules were established in April 1956, during the organizational meeting and have been amended many times over the years. The various amendments were formalized in 2023. The rules: <ul style="list-style-type: none"> - Affirm representation on the GLFC. - Call for annual and advisory committee meetings. - Allow for the establishment of ad hoc or permanent advisory committees. - Establish voting procedures. - Describe how officers are selected. - Delineate the Chair, Vice-Chair, and Executive Secretary duties. - Describe the role and function of the secretariat. - Establish scientific and advisory committees. - Authorize the GLFC to publish reports.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission may appoint an Executive Secretary upon such terms as it may determine.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations. • The convention envisioned a secretariat with senior, professional leadership. 	<ul style="list-style-type: none"> - Establish financial regulations, including the creation and communication of an annual budget. - Call for an annual audit of GLFC accounts. • The GLFC follows the rules of procedure and financial regulations established during the April 1956 organizational meeting (GLFC 1956) and amended, as needed. Details and internal procedures have evolved over time, consistent with modern practices and personnel regulations. • The GLFC, by consensus, selected an Executive Secretary as vacancies existed (since 1956). Past and current Executive Secretaries are: <ul style="list-style-type: none"> - James Moffett (USA) appointed acting Executive Secretary April 1956; served until 1957; died in 1967. - Norman Baldwin (Canada) served as Executive Secretary from 1957 until his death in 1971. - Robert (Bob) Saalfeld (USA) served as Executive Secretary from 1971 until his death in 1974. - Carlos Fetterolf (USA) served as Executive Secretary from 1975 until his retirement in 1992; died in 2014. - Robert (Bob) Beecher (Canada) served as Executive Secretary 1992–1995; resigned to return to the Ontario Ministry of Natural Resources (OMNR). - Chris Goddard (Canada) served as Executive Secretary from 1995 until his retirement in 2013.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE III. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations. • The convention empowered Commissioners to select and support secretariat leadership. 	<ul style="list-style-type: none"> - Robert (Bob) Lambe (Canada) served as Executive Secretary from 2013 until his retirement in 2024. - Marc Gaden (USA) has served as Executive Secretary since 2024. • The GLFC Chair and Vice-Chair establish the Executive Secretary’s annual targets and review performance. • Since 1956, the Executive Secretary has been responsible for selecting staff, establishing targets, and reviewing performance.
<p>“The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.”</p>	<ul style="list-style-type: none"> • The convention did not prescribe in detail the operations of the GLFC. Instead, the GLFC was given the ability to establish its procedural rules and financial regulations. • The convention did not envision the Commissioners to be engaged in day-to-day operations of the secretariat. 	<p>Since 1956:</p> <ul style="list-style-type: none"> • The GLFC’s professional staff is at the secretariat in Ann Arbor, Michigan. Some staff, working on special projects, is located in other areas, such as the Hammond Bay Biological Station (HBBS; Rogers City, Michigan), the Sea Lamprey Control Centre (Sault Ste. Marie, Ontario), and the FishPass office (Traverse City, Michigan). • The Executive Secretary has been responsible (since 1956) for selecting staff, establishing targets, and reviewing performance. • Per the Commission’s rules, the Deputy Executive Secretary becomes Executive Secretary when a vacancy opens until the Commissioners take further action.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IV

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall have the following duties:”</p> <p>“to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose”</p>	<ul style="list-style-type: none"> • The convention allowed the GLFC to formulate research programs related to any fish stock of common concern in the area (not only traditional fisheries). • Science in the Great Lakes region was ad hoc, underfunded, and often focused on narrow issues until the convention. Government and university capacity were low (Gaden et al. 2022). • Scientists and policy makers in both Canada and the USA acknowledged the poor state of fishery science. For example, Fisheries Minister James Sinclair (Canada), during debate about the convention, noted that his department spent only about Can\$50,000 annually on Great Lakes research (SCMF 1955). • The convention specifically linked research to measures that maximized fish productivity. Convention framers were highly motivated to increase Great Lakes fishery production and, therefore, the income levels of commercial fishers (Looney 1955; U.S. Senate 1955; Gaden et al. 2022). 	<ul style="list-style-type: none"> • The GLFC has been guided since 1956 by research boards with scientists from academia, government agencies, and other relevant entities. • The GLFC’s competitive research programs are guided by theme areas that describe a broad topic of importance to Great Lakes fishery management and are led by research board members. For a current list of themes, see the GLFC website, Science & Research page. • The GLFC’s Science Directorate supports three main activities: <ul style="list-style-type: none"> - Fishery research essential to achievement of a healthy Great Lakes ecosystem. Many projects support research priorities set by lake committees of fishery managers. - Sea Lamprey research important for control, including development of innovative control techniques involving pheromones, repellents, and genomics. - Science transfer to promote communication of science to fishery researchers and managers, governments, and the public. • The GLFC considers funding for research projects based on peer reviews of proposals and advice from boards with experts from academia, government, and Indigenous nations.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IV. Continued.

Clause	Intended Implementation	Actual Implementation
	<ul style="list-style-type: none"> • The convention envisioned considerable research into the Sea Lamprey life cycle and methods to control Sea Lamprey to reduce abundance and increase fishery productivity. 	<ul style="list-style-type: none"> • Science programs help the GLFC: <ul style="list-style-type: none"> - Control Sea Lamprey effectively. - Demonstrate that fish populations are interconnected, that they are vulnerable to human-induced and natural changes, and that restoring native species (particularly predatory fish) will bring a more natural balance to the ecosystem. - Highlight that certain invasive species, overfishing or overharvesting, and habitat destruction act to destabilize aquatic communities and the fishery they support. - Recommend measures to sustain and improve the fishery. • The GLFC actively supports the transfer of science to those who will help sustain and improve Great Lakes fishery management.
<p>“to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself”</p>	<ul style="list-style-type: none"> • The convention envisioned GLFC leadership to identify research needs and work with other entities to implement research agendas. The GLFC was expected to work closely with institutions having research capacity and that those institutions would carry out the GLFC’s research agenda. • The convention granted the GLFC the independent ability to carry out its own research, if appropriate. 	<ul style="list-style-type: none"> • GLFC staff serves routinely as Principal Investigator (PI) on research projects and publishes in primary literature. • The GLFC has hosted or supported numerous symposia since 1971 to focus attention on science. Major GLFC-sponsored symposia include (see symposia for published proceedings): <ul style="list-style-type: none"> - 1971 Symposium on Salmonid Communities in Oligotrophic Lakes (SCOL) - 1972 Bio-Engineering Symposium for Fish Culture-I - 1976 Percid International Symposium (PERCIS)

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IV. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs”</p>	<ul style="list-style-type: none"> • The convention expected the GLFC to be vocal in calling for measures that would improve and perpetuate fish stocks of common concern. • The convention envisioned science put to use. 	<ul style="list-style-type: none"> - 1978 Symposium on Selected Coolwater Fishes of North America - 1979 Sea Lamprey International Symposium (SLIS) - 1979 Bio-Engineering Symposium for Fish Culture-II - 1980 Stock Concept International Symposium (STOCS) - 1985 International Symposium on Stock Assessment and Yield Prediction (ASPY) - 1994 International Conference on Restoration of Lake Trout in the Laurentian Great Lakes (RESTORE) - 2000 Sea Lamprey International Symposium (SLIS II) - 2018 9th International Charr Symposium - 2019 Sea Lamprey International Symposium (SLIS III) <p>The GLFC makes recommendations for science activities that benefit the Great Lakes fishery, for management actions that advance objectives, and for budgetary needs.</p>

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IV. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area”</p>	<ul style="list-style-type: none"> • Sea Lamprey was a clear existential threat to the Great Lakes fishery by the time of the convention. • The convention clearly put the GLFC in charge of the Sea Lamprey control program, overriding any parochial domestic approaches in Canada and the USA. As such, the convention directed the GLFC to formulate and implement Sea Lamprey control throughout the convention area. • The convention intended to establish a single, comprehensive, border-blind Sea Lamprey control program to replace the ad hoc, diffuse efforts that had occurred to date. Warren Looney (U.S. Department of State) said during the Senate hearing about the convention (Looney 1955, p. 10): “Unlike the salmon, the lamprey has no homing instinct and will spawn in any stream which offers suitable conditions. The control program must, therefore, extend to both sides of the border or it fails. . . . Accordingly, joint action by the United States and Canada is an absolute necessity if the lamprey populations are to be controlled.” 	<ul style="list-style-type: none"> • The GLFC has been responsible for Sea Lamprey control in the convention area since its inception in 1956. The GLFC actively manages the program. • A history of the establishment of the Sea Lamprey control program can be found in Smith and Tibbles (1980), Brant (2019), Wingfield et al. (2021), and Gaden et al. (2022). • GLFC-supported staff at the now-named Hammond Bay Biological Station (USGS Great Lakes Science Center) discovered TFM as a lampricide in 1957. • The use of lampricide to control Sea Lamprey began in Lake Superior in 1958, Lakes Huron and Michigan in 1960, Lake Ontario in 1971, and Lake Erie in 1986 (Smith and Tibbles 1980; Larson et al. 2003; Sullivan et al. 2003). • Mechanical and electrical Sea Lamprey barriers and sieves were used to try to limit Sea Lamprey spawning and outmigration prior to the convention. Such devices were deemed unsuccessful (Brant 2019). • The GLFC again turned to Sea Lamprey barriers as a control technique starting in the 1970s, noting the cost of lampricide and the need to remove considerable stream habitat from Sea Lamprey production. New barrier designs would abandon ineffective elements (e.g., mechanical weirs, electricity) and focus on effective elements (e.g., simple low-head designs). Since the early 1970s, the GLFC has constructed approximately 75 purpose-built Sea Lamprey barriers. The GLFC also relies on hundreds of existing dams and barriers (constructed independent of the GLFC for a variety of purposes) to suppress Sea Lamprey migration and spawning (Lavis et al. 2003; Zielinski et al. 2019; Miehl et al. 2020).

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IV. Continued.

Clause	Intended Implementation	Actual Implementation
		<ul style="list-style-type: none"> • The GLFC began Sea Lamprey control in the late 1990s on the St. Marys River using a granular form of niclosamide (trade name Bayluscide®). The granular form is needed because the St. Marys River is too large to treat with liquid TFM (Morse et al. 2003; Schleen et al. 2003; Criger et al. 2021). • The GLFC currently works with private- and public-sector entities to test and implement new barrier technologies to improve Sea Lamprey control while, at the same time, providing for run-of-the-river conditions during Sea Lamprey non-migration periods. Technologies, such as adjustable hydraulic structures, have been used for such dual purposes and continue to be developed for further application by the GLFC and its network of partners. • Sea Lamprey abundance has been reduced by about 90% in most of the Great Lakes because of the Sea Lamprey control program. This reduction saves around 100 million pounds of Great Lakes fishes annually (Swink 2003; Siefkes et al. 2013; Robinson et al. 2021). Sea Lamprey control is the foundation of the US\$7 billion Great Lakes fishery. • Travel restrictions during the COVID-19 pandemic severely reduced Sea Lamprey control in 2020 and 2021, resulting in significant increases in Sea Lamprey abundance and fish wounding (Marcy-Quay 2025). The pandemic demonstrated how quickly Sea Lamprey proliferates if controls are relaxed, further emphasizing the effectiveness of the Sea Lamprey control program.
<p>“to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties”</p>	<ul style="list-style-type: none"> • The convention expected the GLFC to be vocal in calling for measures that would advance the goal of maximum sustained productivity of the fishery. • The convention envisioned science put to use. 	<ul style="list-style-type: none"> • The GLFC established its publication series in 1956 and has produced technical reports, special publications, miscellaneous publications, and grey literature. Except for grey literature, the GLFC’s publications are peer reviewed (see the GLFC website, Documents & Media page). • The GLFC strongly encourages and expects research it funds to be published in refereed books and journals. • In 2023, the GLFC consolidated its several publications into a single, peer-reviewed journal, <i>Laurentian</i>.

ANNOTATED CONVENTION OF 1954. Continued.**ARTICLE V**

Clause	Intended Implementation	Actual Implementation
“In order to carry out the duties set forth in Article IV, the Commission may:”		
“conduct investigations”	The GLFC was granted full authority to gather information needed to carry out its duties, if necessary.	The GLFC supports research to investigate and assess fishery issues. The GLFC produces reports, as appropriate. GLFC staff routinely joins as PI on research projects and publishes in primary literature.
“take measures and install devices in the Convention Area and the tributaries thereof for lamprey control”	The convention gave the GLFC broad authority to use whatever means necessary to effectively control Sea Lamprey.	<ul style="list-style-type: none"> • The GLFC and its partners rely mainly on three methods to control Sea Lamprey: lampricide, traps, and barriers. • The GLFC has always investigated other measures, as allowed under the convention, to achieve Sea Lamprey control. For example, the GLFC has investigated the use of sterilized male Sea Lampreys, chemosensory cues (attractants and repellants), various barrier designs, and a variety of other methods (Siefkes 2017). • The GLFC demonstrated its drive to investigate other control measures at the first Sea Lamprey International Symposium in 1979 (Northern Michigan University in Marquette, Michigan). The GLFC noted “it is essential to develop effective supplementary and alternative control techniques since control with toxicants cannot continue indefinitely” (Lamsa et al. 1980, p. 2176). • Early control devices in streams included mechanical barriers with integrated and traditional basket-style traps; nets; electrified weirs (AC and DC guidance systems with integrated traps); and old dams, weirs, and natural barriers modified to trap and kill migrating adults (Smith and Tibbles 1980).

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE V. Continued.

Clause	Intended Implementation	Actual Implementation
“hold public hearings in the United States of America and Canada”	The GLFC was granted full authority to gather information needed to carry out its duties, if necessary.	<ul style="list-style-type: none"> • The GLFC has not held a hearing (as truly defined) in recent times. • The GLFC routinely testifies at public hearings and provides written statements about issues of importance to fish stocks of common concern. • The GLFC regularly convenes meetings, panels, and workshops to investigate and communicate issues of importance to fish stocks of common concern.

ARTICLE VI

Clause	Intended Implementation	Actual Implementation
“In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.”	<ul style="list-style-type: none"> • The convention envisioned the GLFC taking advantage of existing bodies (public or private) with existing levels of expertise to carry out its duties. 	<p>The GLFC has used many official agencies, academic institutions, public and private organizations, and individuals in the performance of its duties. For example:</p> <ul style="list-style-type: none"> • Sea Lamprey mandate partners: <ul style="list-style-type: none"> - Two organizations were selected during the 1956 organizational meeting held in Ottawa (GLFC 1956, p. 12): “The United States Department of the Interior, Fish and Wildlife Service was selected to carry out the control program in the United States and the Department of Fisheries in Canada.” In accordance with the GLFC’s binational Sea Lamprey control programs, lampricides have been applied and physical Sea Lamprey structures have been installed in cooperation with the two agencies since they were selected in 1956.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VI. Continued.

Clause	Intended Implementation	Actual Implementation
		<ul style="list-style-type: none"> - The GLFC has partnered with the U.S. Army Corps of Engineers (USACE) for engineering and technical support for Sea Lamprey infrastructure design and construction. - The GLFC has partnered with the U.S. Geological Survey (USGS) for research, chemical analysis, and registration needs relative to lampricide. - The GLFC has partnered with academic institutions in Canada and the USA to advance fishery and Sea Lamprey control research. • Science mandate partners: <ul style="list-style-type: none"> - Public and private universities - USGS - Quantitative Fisheries Center at Michigan State University (MSU) - Public and private laboratories - USACE - Partnership for Ecosystem Research and Management program at MSU and the University of Guelph • Working arrangements mandate (Article VI) for cross-border fishery-management partners: <ul style="list-style-type: none"> - State DNRs - OMNR - U.S. Indigenous organizations - Canadian First Nations - Canadian and U.S. federal agencies

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VI. Continued.

Clause	Intended Implementation	Actual Implementation
		<ul style="list-style-type: none"> • Arrangements with government agencies have, for the most part, been collaborative. Memoranda of understanding agreements (MOAs) are used to bind together the GLFC and agencies for service delivery. • Issues have arisen despite the use of MOAs. For example: <ul style="list-style-type: none"> - The GLFC intervened to overturn endeavors by the U.S. Department of the Interior to apply standard overhead charges based on Office of Budget and Management directives. - The GLFC has invested considerable time and effort to protect the GLFC’s Canadian appropriations within the DFO’s departmental appropriations. Lack of differentiation between DFO and GLFC appropriations has created significant issues, particularly during periods of program review when austerity measures have been applied unilaterally by the DFO to GLFC funding. - Perceptions (internal and external to the contracting agencies) that Sea Lamprey control is a jurisdictional responsibility of government agencies led to confusion among legislators and within the public domain, which led to challenges in securing GLFC funding and sometimes support for GLFC programs. • Issues are addressed through: <ul style="list-style-type: none"> - Greater GLFC visibility (signage) on assets used for Sea Lamprey control. - Enhanced outreach to Ottawa and Washington, D.C. - Increased dialogue with control agents and secretariat staff. - Placement of the GLFC’s file (“Machinery of Government” function) within the Foreign Affairs Departments of the U.S. and Canadian governments. The GLFC’s file has been at the U.S. Department of State since the Commission’s inception in 1956. The file was moved from the DFO to Global Affairs Canada at the GLFC’s insistence, in 2024. The move was only partial, adding to machinery of governance challenges.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VI. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.”</p>	<ul style="list-style-type: none"> • The GLFC was expected to find a way to create cross-border cooperation among the states, Province of Ontario, Indigenous nations, and other entities within the context of divided governance. • The provision for the GLFC to establish and maintain working arrangements was a way of recognizing the need for multi-jurisdictional cooperation. The provision called for the GLFC to take a leadership role in helping jurisdictions work together (Gaden et al. 2022). • Article VI provided the GLFC with soft authority to encourage cooperation. Article X (below) specifically denied the GLFC hard authority to compel cooperation. 	<ul style="list-style-type: none"> • The GLFC began to facilitate cross-border management with the establishment of lake committees in 1964. A committee was established for each of the five Great Lakes, with the states and Ontario (and later U.S. Indigenous organizations) having a seat on each committee for which a state, Ontario, and Indigenous organizations had fishery-management authority. Each lake committee is supported by at least one technical committee that provides advice about research required and interpretation of applied research outcomes. • Great Lakes fishery-management governance was formalized in A Joint Strategic Plan for Management of Great Lakes Fisheries (GLFC 2007) in 1981. It used the existing lake committees to be more strategic in identifying and taking steps to achieve shared objectives. The Joint Strategic Plan created a more robust governance structure when it created the Council of Lake Committees (CLC) and the Council of Great Lakes Fishery Agencies (CGLFA) to ensure a broad approach to fishery management and support for the governance structure (Gaden 2007): <ul style="list-style-type: none"> - The CLC includes representatives from each lake committee and considers matters that affect more than one lake. - The CGLFA includes fish chiefs from each state and Ontario, U.S. Indigenous representatives, and senior managers from federal agencies with jurisdictional responsibilities for the Great Lakes basin (e.g., endangered-species regulations). The CGLFA deals with lakewide, strategic issues, such as aquatic invasive species and research-vessel capacity.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VI. Continued.

Clause	Intended Implementation	Actual Implementation
		<ul style="list-style-type: none"> • U.S. courts affirmed Indigenous fishery-management rights in U.S. ceded waters in the early 1980s. Two Indigenous organizations—the Chippewa–Ottawa Treaty Fishery Management Authority (now the Chippewa–Ottawa Resource Authority) and the Great Lakes Indian Fish and Wildlife Commission—signed the Joint Strategic Plan in 1989 and joined all Joint Strategic Plan committees. In 2015 and 2022, the 1854 Treaty Authority and the Red Cliff Band of Lake Superior Chippewa, respectively, signed the Joint Strategic Plan and joined the committees. • The Joint Strategic Plan underwent a major revision in 1997. The 1997 version is the current version (GLFC 2007). • Management of the Joint Strategic Plan and associated committees is facilitated by the GLFC. • The GLFC signed a resolution pledging to support and press for adherence to the process.

ARTICLE VII

Clause	Intended Implementation	Actual Implementation
<p>“Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission’s duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.”</p>	<p>Convention framers expected the GLFC to have access to science, information, and other data so that it would be able to carry out its duties.</p>	<p>Since the GLFC was created, cooperative arrangements among jurisdictions have steadily improved such that the GLFC has never had to force a party to provide needed information.</p>

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VIII

Clause	Intended Implementation	Actual Implementation
<p>“Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.”</p>	<p>The convention envisioned both governments taking the necessary steps for agreement implementation. Those steps include proportionate financial support for the GLFC.</p>	<ul style="list-style-type: none"> • Commissioners agreed to a funding formula for the GLFC at the organizational meeting (April 23–25, 1956; GLFC 1956). The USA would pay 69% of the cost of Sea Lamprey control and research, and Canada would pay 31%. Administrative expenses would be shared equally. The formula was determined based on Great Lakes surface-water distribution between the two countries. • Federal appropriations were initially provided by the Department of External Affairs (Canada) and the Department of State (USA). • U.S. funding continues to be provided by the Department of State. • For reasons unknown to the GLFC, Canadian federal funding transitioned from the Department of External Affairs to the DFO in the early 1980s. The change in Canada’s funding mechanism created significant issues for the GLFC, including consistent shortfalls in Canadian funding from the mid-1990s to 2022. • In 2024, Canada moved most of the funds and the “machinery of government” function to Global Affairs Canada. Some funding is still provided through the DFO, despite objection by the majority of the Canadian section. • Addressing the funding issue continues to be a key strategic matter for the GLFC. • The U.S. Government, in 2018, began providing significant funding for GLFC-related infrastructure based on the GLFC’s infrastructure plan.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE VIII. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.”</p>	<p>The governments of Canada and the U.S. mandated that the GLFC inform them annually of budgetary needs.</p>	<p>At the fall interim meeting, the secretariat:</p> <ul style="list-style-type: none"> • Provides Commissioners with a detailed annual budget proposal by program area. Budget proposals are based on program requirements, advisory committee (e.g. the Sea Lamprey Control Board), recommendations, and the secretariat’s knowledge of each government’s GLFC appropriation. The annual budget is authorized at the interim meeting where the budget is presented. Occasionally, additional GLFC meetings are required if governments adjust the GLFC’s appropriations during the fiscal year. • Produces program and infrastructure investment (PI&I) estimates for Canada and the USA. Program estimates outline risks to the Great Lakes fishery, consequences of not addressing the risks, remedies to address the risks, expected outcomes, and funds necessary to implement the remedies. The U.S. and Canadian sections authorize the PI&Is prior to submission to both parties through legislators and government departments with fiduciary responsibilities for GLFC appropriations.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE IX

Clause	Intended Implementation	Actual Implementation
<p>“The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.”</p>	<p>The convention envisioned regular communication between the representatives of the contracting parties (Commissioners) and the two governments.</p>	<ul style="list-style-type: none"> • The secretariat provides a report to Commissioners and agencies with key outcomes and accomplishments for each program area at the fall interim meeting. Some highlights, such as Sea Lamprey control outcomes, are shared with legislators during subsequent visits to Ottawa and Washington, D.C. Reports in their entirety are also available to agencies and legislators upon request.

ARTICLE X

Clause	Intended Implementation	Actual Implementation
<p>“Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission’s duties.”</p>	<ul style="list-style-type: none"> • Two agreements (1908, 1946) failed because they took away power to regulate the fishery from the province and the states (Gaden et al. 2022). • Article X specifically denied the GLFC the ability to regulate, and those who wrote and advocated for the convention stressed repeatedly that the GLFC’s powers related to fishery management were “limited to recommending to the contracting parties measures necessary for conservation” (Looney 1955, p. 11). • Federal and provincial officials in Canada were acutely aware of the unique relationship between the federal and provincial governments in terms of fishery management. Article X preserved the fishery-management status quo in both nations. 	<ul style="list-style-type: none"> • The GLFC remains extremely sensitive to the jurisdictional responsibilities of the states, Province of Ontario, and Indigenous organizations. As such, the GLFC interacts with these entities as partners, consistently working to reach consensus through the governance process established for Great Lakes fishery management (i.e., Joint Strategic Plan). • The states, Ontario, and Indigenous organizations have objected occasionally to the GLFC’s use of various Sea Lamprey control methods. In all cases, the GLFC has chosen to apply Article X in a consultative way and has been able to address concerns to the satisfaction of all parties.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE X. Continued.

Clause	Intended Implementation	Actual Implementation
	<ul style="list-style-type: none"> Article X prevented the states and the province from taking steps to preclude the GLFC from performing its responsibilities. The GLFC would not be bound by state or provincial regulations in the implementation of Sea Lamprey control and research programs. 	

ARTICLE XI

Clause	Intended Implementation	Actual Implementation
<p>“The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.”</p>	<ul style="list-style-type: none"> Enabling legislation was needed to serve as the vehicle for the two governments to support the GLFC’s work and ensure the parties’ commitment. Convention framers learned from other failed agreements when actions occurred after a treaty was signed but before it went into effect. For example, the 1908 agreement would have granted fishery regulatory authority to a Canadian–U.S. commission. The agreement, which was signed but did not go into effect due to lack of U.S. enabling legislation, was implemented initially by both nations. The U.S refused to enact the commission’s recommendations, and the treaty was withdrawn (Gaden et al. 2022). The convention recognized the importance of such a commitment to proper implementation of the agreement by calling upon the parties to enact enabling legislation. 	<p>Canada and the USA passed enabling legislation that authorized support and appropriations for the GLFC in 1956:</p> <ul style="list-style-type: none"> The Canadian enabling legislation is the Great Lakes Fisheries Convention Act¹⁴. The U.S. enabling legislation is called the Great Lakes Fishery Act of 1956¹⁵. The U.S. enabling legislation was amended in 1986 to mandate that one Commissioner be a state official and one be a federal official. The 1986 amendment also created an alternate Commissioner from the USA and established 6-year terms for all Commissioners except the federal official and the alternate.

¹⁴R.S.C. 1985, c. F-17.

¹⁵U.S. Code, volume 16, sections 931-939c.

ANNOTATED CONVENTION OF 1954. Continued.**ARTICLE XII**

Clause	Intended Implementation	Actual Implementation
“The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.”	This was a standard treaty provision.	Canada and the USA have adhered to the Convention of 1954 since its inception. Annual appropriations confirm the two nations’ confidence in the convention.

ARTICLE XIII

Clause	Intended Implementation	Actual Implementation
“This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.”	This was a standard treaty provision.	<ul style="list-style-type: none"> • The convention was signed in Washington, D.C. on September 10, 1954. • The House of Commons approved the convention on May 23, 1955. The convention received royal assent in Canada on June 28, 1955 (completing the approval process in Canada). • The U.S. Senate approved the convention on June 1, 1955. President Eisenhower ratified the convention on June 6, 1955 (completing the approval process in the USA).
“This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.”	This was a standard treaty provision.	<ul style="list-style-type: none"> • Instruments of ratification were exchanged at Ottawa, Canada, on October 11, 1955, on which date the convention became effective. • The convention has remained in force since the exchange of instruments and ratification.

ANNOTATED CONVENTION OF 1954. Continued.

ARTICLE XIII. Continued.

Clause	Intended Implementation	Actual Implementation
<p>“Either Contracting Party may, by giving two years’ written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.”</p>	<p>This was a standard treaty provision.</p>	<p>This clause has never been invoked.</p>

Enabling Legislation

The Convention of 1954 signed by Canada and the USA, is not self-executing. Through Article XI, Canada and the USA agreed to enact legislation (“enabling legislation”) to give effect to the provisions of the agreement.

In Canada, the enabling legislation received assent on June 28, 1955, and is called the Great Lakes Fisheries Convention Act. In the USA, the enabling legislation was passed on June 4, 1956, and is called the Great Lakes Fishery Act of 1956. The U.S. act was amended in 1986 by section 405 of public law 99-659 (U.S. Code, volume 16, sections 931-939c). The 1986 U.S. amendment clarified who should serve as Commissioners, established an alternate Commissioner who would serve in the event of a vacancy, and specified that no two regular Commissioners could be from the same state.

In comparing the two pieces of enabling legislation, the USA opted to be more proscriptive than Canada in terms of the establishment of a committee of advisors, the qualifications of those who would serve as Commissioners, and the role of the U.S. entity (FWS) that the GLFC selected to carry out Sea Lamprey control on the GLFC’s behalf. Clarification of the FWS role was necessary because the FWS Sea Lamprey control program preceded and was subsumed by the GLFC.

The following are facsimiles of Canada’s enabling legislation (Great Lakes Fisheries Convention Act) and the U.S. enabling legislation (Great Lakes Fishery Act of 1956), as amended.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA)



CANADA

CONSOLIDATION

CODIFICATION

**Great Lakes Fisheries
Convention Act**

**Loi sur la convention en matière
de pêche dans les Grands Lacs**

R.S.C., 1985, c. F-17

L.R.C. (1985), ch. F-17

Current to March 2, 2026

Last amended on July 1, 2007

À jour au 2 mars 2026

Dernière modification le 1 juillet 2007

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

**OFFICIAL STATUS
OF CONSOLIDATIONS**

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to March 2, 2026. The last amendments came into force on July 1, 2007. Any amendments that were not in force as of March 2, 2026 are set out at the end of this document under the heading "Amendments Not in Force".

**CARACTÈRE OFFICIEL
DES CODIFICATIONS**

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité – lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 2 mars 2026. Les dernières modifications sont entrées en vigueur le 1 juillet 2007. Toutes modifications qui n'étaient pas en vigueur au 2 mars 2026 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

TABLE OF PROVISIONS

An Act to implement a Convention on Great Lakes Fisheries between Canada and the United States

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TABLE ANALYTIQUE

Loi de mise en œuvre d’une convention entre le Canada et les États-Unis sur la pêche dans les Grands Lacs

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FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.



R.S.C., 1985, c. F-17

L.R.C., 1985, ch. F-17

An Act to implement a Convention on Great Lakes Fisheries between Canada and the United States

Loi de mise en œuvre d'une convention entre le Canada et les États-Unis sur la pêche dans les Grands Lacs

Short Title

Titre abrégé

Short title

1 This Act may be cited as the *Great Lakes Fisheries Convention Act*.

R.S., c. F-15, s. 1.

Titre abrégé

1 *Loi sur la convention en matière de pêche dans les Grands Lacs*.

S.R., ch. F-15, art. 1.

Interpretation

Définitions

Definitions

2 In this Act,

Commission means the Great Lakes Fishery Commission established under the Convention; (*Commission*)

Convention means the Convention on Great Lakes Fisheries between Canada and the United States of America set out in the schedule. (*Convention*)

R.S., c. F-15, s. 2.

Définitions

2 Les définitions qui suivent s'appliquent à la présente loi.

Commission La Commission des pêches des Grands Lacs créée par la Convention. (*Commission*)

Convention La Convention entre le Canada et les États-Unis d'Amérique sur la pêche dans les Grands Lacs, reproduite en annexe. (*Convention*)

S.R., ch. F-15, art. 2.

Convention and Regulations

Convention et règlements

Convention approved

3 The Convention is hereby approved and confirmed.

R.S., c. F-15, s. 3.

Approbation de la Convention

3 La Convention est approuvée et confirmée.

S.R., ch. F-15, art. 3.

Regulations

4 Notwithstanding any other Act, the Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder.

R.S., c. F-15, s. 4.

Règlements

4 Nonobstant toute autre loi, le gouverneur en conseil peut prendre des règlements de mise en œuvre et d'application de la Convention et des mesures prises par la Commission sous son régime.

S.R., ch. F-15, art. 4.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
Convention and Regulations
Sections 5-7

Pêche dans les Grands Lacs (convention)
Convention et règlements
Articles 5-7

Offence and punishment

5 Every person who contravenes any regulation made pursuant to section 4 is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both.

R.S., c. F-15, s. 4.

Infraction

5 Quiconque contrevient à un règlement visé à l'article 4 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de mille dollars et un emprisonnement maximal d'un an, ou l'une de ces peines.

S.R., ch. F-15, art. 4.

Jurisdiction of Courts**Jurisdiction of courts**

6 All courts, justices of the peace and provincial court judges in Canada have the same jurisdiction with respect to offences under regulations made under section 4 as they have under sections 257 and 258 of the *Canada Shipping Act, 2001* with respect to offences under that Act, and those sections apply to offences under regulations made under section 4 in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 2001*.

R.S., 1985, c. F-17, s. 6; R.S., 1985, c. 27 (1st Supp.), s. 203; 1990, c. 44, s. 18; 2001, c. 26, s. 303.

Compétence des tribunaux**Compétence**

6 La compétence des tribunaux, juges de paix et juges de la cour provinciale du Canada à l'égard des infractions aux règlements visés à l'article 4 se détermine selon les articles 257 et 258 de la *Loi de 2001 sur la marine marchande du Canada*, ces articles s'appliquant à ces infractions comme si elles étaient prévues par cette loi.

L.R. (1985), ch. F-17, art. 6; L.R. (1985), ch. 27 (1^{er} suppl.), art. 203; 1990, ch. 44, art. 18; 2001, ch. 26, art. 303.

Duration**Duration**

7 This Act shall continue in force until a day to be fixed by proclamation of the Governor in Council following termination of the Convention.

R.S., c. F-15, s. 6.

Durée**Durée**

7 La présente loi demeure en vigueur jusqu'à la date que le gouverneur en conseil fixe, par proclamation, à la suite de l'expiration de la Convention.

S.R., ch. F-15, art. 6.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

SCHEDULE

(Section 2)

Convention on Great Lakes Fisheries between Canada and the United States of America

The Government of Canada and the Government of the United States of America,

Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,

Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by Canada and the United States of America are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern,

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and

Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference; and

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the United States of America, and

William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference,

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

Article I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area". This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (*Petromyzon marinus*) in the Convention Area.

Pêche dans les Grands Lacs (convention)
ANNEXE

ANNEXE

(article 2)

Convention entre le Canada et les États-Unis d'Amérique sur la pêche dans les Grands Lacs

(Traduction)

Le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique,

Conscients des rapports qui existent entre les problèmes de la préservation du secteur des pêches et la nécessité de faire progresser les recherches sur le secteur des pêches des Grands Lacs,

Constatant l'appauvrissement de certaines des pêcheries des Grands Lacs,

Inquiets du tort sérieux que cause à certaines de ces pêcheries la lamproie marine parasite, et de la menace constante qu'elle représente pour les autres pêcheries,

Estimant que des efforts communs et coordonnés de la part du Canada et des États-Unis d'Amérique sont indispensables pour que puissent être déterminées l'opportunité et la nature exacte des moyens qui seraient propres à assurer une productivité maximale constante au secteur des pêches des Grands Lacs offrant un commun intérêt pour les deux pays,

Ont résolu de conclure une convention et ont désigné pour leurs Plénipotentiaires respectifs :

Le Gouvernement du Canada :

M. Arnold Danford Patrick Heeney, Ambassadeur Extraordinaire et Plénipotentiaire du Canada aux États-Unis d'Amérique, et

M. Stewart Bates, Président de la Déléation du Canada à la Conférence sur les pêches des Grands Lacs; et

Le Gouvernement des États-Unis d'Amérique :

M. Walter Bedell Smith, Secrétaire d'État par intérim des États-Unis d'Amérique, et

M. William C. Herrington, Président de la Déléation des États-Unis d'Amérique à la Conférence sur les pêches des Grands Lacs,

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :

Article I

La présente Convention s'applique au lac Ontario (y compris le fleuve Saint-Laurent depuis le lac Ontario jusqu'au quarante-cinquième degré de latitude), au lac Érié, au lac Huron (y compris le lac Saint-Clair), au lac Michigan, au lac Supérieur et aux eaux qui les relie, appelés ci-après la « région de la Convention ». La présente Convention s'applique aussi aux tributaires de chacun des cours ou nappes d'eau susmentionnés, selon qu'il peut être nécessaire pour étudier tout peuplement de poisson d'intérêt commun dont la pêche ou dont l'habitat est restreint pour la plus grande part à la région de la Convention, et pour faire disparaître ou pour réduire le plus possible en nombre la lamproie marine (*Petromyzon marinus*) dans la région de la Convention.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

Pêche dans les Grands Lacs (convention)
ANNEXE

Article II

1 The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2 Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3 Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold *in camera*.

(NOTE: Paragraph 1 of Article II was amended by an exchange of notes between the Governments of Canada and the United States, effective May 19, 1967, increasing each section's membership in the Commission from three to four members. The notes are set out following the Convention.)

Article III

1 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 Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2 The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

3 The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4 The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5 The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6 The Commission may appoint an Executive Secretary upon such terms as it may determine.

7 The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8 The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of

Article II

1 Les Parties Contractantes conviennent d'établir et de maintenir une commission mixte, appelée Commission des pêches des Grands Lacs et ci-après « la Commission », composée de deux sections nationales, la Section du Canada et la Section des États-Unis. Chaque section se compose au plus de trois membres, nommés respectivement par les Parties Contractantes.

2 Chacune des sections jouit d'une seule voix dans les délibérations. Toute décision ou recommandation de la Commission requiert l'approbation des deux sections.

3 Chaque Partie Contractante peut doter sa section d'un comité consultatif pour chacun des Grands Lacs. Les membres de chacun de ces comités consultatifs ont le droit d'assister à toutes les séances de la Commission, sauf lorsque la Commission décide de siéger à huis clos.

(NOTE : L'alinéa 1 de l'article II a été modifié par un échange de notes entre le Gouvernement du Canada et le Gouvernement des États-Unis, en vigueur le 19 mai 1967, portant de trois à quatre le nombre des membres de chaque section. Ces notes sont reproduites à la suite de la Convention.)

Article III

1 À la première réunion de la Commission et, par la suite, à toutes les deux réunions annuelles, les membres choisissent parmi leur propre nombre un président et un vice-président, dont chacun reste en fonctions depuis la clôture de la réunion annuelle au cours de laquelle il est choisi jusqu'à la clôture de la seconde réunion annuelle qui la suit. Le vice-président n'est pas choisi dans la même section que le président. Le choix du président et celui du vice-président se font alternativement, tous les deux ans, dans une section puis dans l'autre.

2 Le siège de la Commission sera établi dans la région des Grands Lacs, à l'endroit que pourra désigner la Commission.

3 La Commission tient chaque année une réunion ordinaire à l'endroit qu'elle choisit. Elle peut tenir d'autres réunions, d'accord entre le président et le vice-président, aux lieux et dates qu'ils peuvent désigner.

4 La Commission autorise les déboursés que nécessitent ses dépenses communes; elle peut employer du personnel et acquérir les installations qui lui sont nécessaires pour l'exercice de ses fonctions.

5 La Commission établit les règles et statuts qui lui paraissent nécessaires pour la conduite de ses réunions et l'exercice de ses fonctions, de même que les règlements financiers nécessaires.

6 La Commission peut nommer un secrétaire exécutif, aux conditions qui lui conviennent.

7 Le personnel de la Commission peut être engagé par le Secrétaire exécutif de la façon déterminée par la Commission, ou engagé par la Commission même aux conditions qui lui conviennent.

8 Le Secrétaire exécutif, sous réserve des règles et procédures qui pourront être déterminées par la Commission, possède tout pouvoir et autorité pour diriger le personnel et exerce les fonctions que la Commission peut lui confier.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

Pêche dans les Grands Lacs (convention)
ANNEXE

Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

Quand le poste de secrétaire exécutif est vacant, la Commission désigne un titulaire pour en exercer les pouvoirs et l'autorité.

Article IV

The Commission shall have the following duties:

- (a)** to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of Canada and the United States of America and to determine what measures are best adapted for such purpose;
- (b)** to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;
- (c)** to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;
- (d)** to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and
- (e)** to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

Article V

In order to carry out the duties set forth in Article IV, the Commission may:

- (a)** conduct investigations;
- (b)** take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and
- (c)** hold public hearings in Canada and the United States of America.

Article VI

- 1** In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.
- 2** The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

Article IV

La Commission est chargée des fonctions suivantes :

- a)** elle établit un ou plusieurs programmes de recherches ayant pour objet de déterminer la nécessité de mesures propres à rendre possible la productivité maximale et constante de tout peuplement de poisson de la région de la Convention qui, de l'avis de la Commission, présente un intérêt commun, du point de vue de la pêche, pour le Canada et les États-Unis d'Amérique, et ayant pour objet de déterminer le choix des mesures les plus appropriées à cette fin;
- b)** elle coordonne les recherches poursuivies dans le cadre de ces programmes et, au besoin, entreprend elle-même ces recherches;
- c)** elle recommande des mesures appropriées aux Parties Contractantes d'après les résultats desdits programmes de recherche;
- d)** elle établit et met en œuvre un programme d'ensemble visant à faire disparaître ou à réduire le plus possible en nombre la lamproie marine dans la région de la Convention;
- e)** elle publie ou permet de publier les renseignements scientifiques et autres recueillis par la Commission dans l'exercice de ses fonctions.

Article V

Afin de s'acquitter des fonctions dont elle est chargée aux termes de l'article IV, la Commission peut :

- a)** procéder à des enquêtes;
- b)** appliquer des mesures et disposer des installations dans la région de la Convention et dans les eaux tributaires de cette région pour combattre la lamproie;
- c)** tenir des audiences publiques au Canada et aux États-Unis d'Amérique.

Article VI

- 1** Dans l'exercice de ses fonctions, la Commission doit, si faire se peut, recourir aux services des organismes officiels des Parties Contractantes ou de leurs provinces ou États; elle peut recourir aux services des organismes privés ou d'autres organismes publics, y compris les organismes internationaux, ou à ceux de particuliers.
- 2** La Commission peut s'efforcer d'établir et de maintenir des rapports de collaboration avec des organismes publics ou privés afin de favoriser la poursuite des buts de la présente Convention.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

Pêche dans les Grands Lacs (convention)
ANNEXE

Article VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

Article VIII

1 Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2 The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

Article IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

Article X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

Article XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

Article XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

Article XIII

1 This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

Article VII

Chacune des Parties Contractantes doit communiquer à la Commission, sur demande de celle-ci, tous renseignements dont elle peut disposer d'une façon pratique en ce qui concerne les tâches de la Commission. Chacune des Parties Contractantes peut poser ses conditions pour ce qui est de la divulgation desdits renseignements par la Commission.

Article VIII

1 Chaque Partie Contractante fixe et acquitte elle-même les frais de sa section. Les frais communs de la Commission sont acquittés par les Parties Contractantes au moyen de contributions. La forme que prennent ces contributions, et leur importance proportionnelle, sont celles qu'approuvent les Parties Contractantes après recommandation de la Commission.

2 La Commission présente à l'approbation des Parties Contractantes un budget annuel des frais communs qu'elle prévoit.

Article IX

La Commission présente chaque année aux Parties Contractantes un rapport sur l'état de ses travaux. Elle adresse des recommandations aux Parties Contractantes ou les conseille, chaque fois qu'elle le juge nécessaire, sur toute question se rapportant à la Convention.

Article X

Aucune disposition de la présente Convention ne doit s'interpréter comme interdisant aux États des États-Unis d'Amérique riverains des Grands Lacs ou, sous réserve de leurs dispositions constitutionnelles propres, au Canada ou à la province d'Ontario d'édicter ou d'appliquer des lois ou règlements, dans les limites de leur compétence respective touchant les pêches des Grands Lacs, à condition que ces lois ou règlements n'empêchent pas l'accomplissement des tâches confiées à la Commission.

Article XI

Les Parties Contractantes conviennent d'édicter toute législation qui peut être nécessaire pour assurer la mise en œuvre des dispositions de la présente Convention.

Article XII

Les Parties Contractantes passeront ensemble en revue, la huitième année de la mise en œuvre de la présente Convention, les travaux de la Commission du point de vue des objectifs de la Convention, afin de juger s'il y a lieu de maintenir, de modifier ou de dénoncer la présente Convention.

Article XIII

1 La présente Convention devra être ratifiée; les instruments de ratification seront échangés à Ottawa.

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

Pêche dans les Grands Lacs (convention)
ANNEXE

2 This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3 Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

In Witness Whereof the respective Plenipotentiaries have signed the present Convention.

Done at Washington, in duplicate, this tenth day of September, 1954.

[Here follow the signatures on behalf of the Governments of Canada and the United States of America.]

Exchange of notes between the Government of Canada and the Government of the United States amending the Convention on Great Lakes Fisheries.

Note from the Secretary of State for External Affairs to the Ambassador of the United States:

Ottawa, April 5, 1966.

No. X-92

Excellency,

I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954 to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

In accordance with those conversations, it is the understanding of the Government of Canada that the above-mentioned Convention shall be amended by substituting the word "four" for the word "three" in the second sentence of paragraph 1 of Article II.

I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

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

Paul Martin,

Secretary of State

for External Affairs

Note from the Ambassador of the United States to the Secretary of State for External Affairs:

Ottawa, May 19, 1967.

No. 298

Sir:

I have the honor to refer to your note of April 5, 1966, which reads as follows:

2 La présente Convention entrera en vigueur à la date de l'échange des instruments de ratification. Elle restera en vigueur pendant dix ans, et par la suite jusqu'à ce qu'elle ait été dénoncée de la manière prévue ci-après.

3 L'une ou l'autre des Parties Contractantes peut dénoncer la présente Convention, sur préavis écrit de deux ans à l'autre Partie Contractante, à l'expiration de la période initiale de dix ans ou à toute date ultérieure.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention.

Fait à Washington, en double exemplaire, ce dixième jour de septembre 1954.

[Signatures : Canada et États-Unis d'Amérique.]

Échange de notes entre le Gouvernement du Canada et le Gouvernement des États-Unis modifiant la Convention sur la pêche dans les Grands Lacs

Note du secrétaire d'État aux Affaires extérieures à l'ambassadeur des États-Unis :

Ottawa, le 5 avril 1966

N° X-92

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer aux entretiens qu'ont eus les représentants de nos deux gouvernements au sujet d'une modification à la Convention sur la pêche dans les Grands Lacs, entre le Canada et les États-Unis d'Amérique, signée à Washington le 10 septembre 1954, et pourvoyant à la nomination, par chacune des parties contractantes, d'un nouveau membre à la Commission des pêches des Grands Lacs.

De ces entretiens, le gouvernement canadien conclut que la Convention précitée sera modifiée par la substitution du mot « quatre » au mot « trois » dans la deuxième phrase de l'alinéa 1 de l'article II.

J'ai aussi l'honneur de proposer que, sur confirmation de l'entente précitée de la part du gouvernement des États-Unis, cette note et la réponse de votre Excellence constituent, entre nos deux gouvernements, un accord qui entrera en vigueur à la date de la réponse de votre Excellence.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances renouvelées de ma très haute considération.

Le Secrétaire d'État

aux Affaires extérieures,

PAUL MARTIN

Note de l'ambassadeur des États-Unis au secrétaire d'État aux Affaires extérieures :

Ottawa, le 19 mai 1967

N° 298

Monsieur,

J'ai l'honneur de me référer à votre note du 5 avril 1966, dont voici la teneur :

« J'ai l'honneur de me référer aux entretiens qu'ont eus les représentants de nos deux gouvernements au sujet d'une modification à la Convention sur la pêche dans les

FACSIMILE OF THE GREAT LAKES FISHERIES CONVENTION ACT (CANADA). Continued.

Fisheries Convention, Great Lakes
SCHEDULE

Pêche dans les Grands Lacs (convention)
ANNEXE

"I have the honour to refer to conversations between representatives of our two Governments concerning amendment of the Convention on Great Lakes Fisheries between Canada and the United States of America signed at Washington on September 10, 1954 to provide for the appointment by each Contracting Party of an additional member on the Great Lakes Fisheries Commission.

"In accordance with those conversations, it is the understanding of the Government of Canada that the above-mentioned Convention shall be amended by substituting the word 'four' for the word 'three' in the second sentence of paragraph 1 of Article II.

"I also have the honour to propose that, on confirmation of the foregoing understanding on behalf of the Government of the United States, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply."

I have the honor to confirm the foregoing understanding on behalf of my Government. Accordingly, your note and this reply shall constitute an agreement between our two Governments, which shall enter into force this day.

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

W.W. Butterworth

R.S., c. F-15, Sch.

Grands Lacs, entre le Canada et les États-Unis d'Amérique, signée à Washington le 10 septembre 1954, et pourvoyant à la nomination, par chacune des parties contractantes, d'un nouveau membre à la Commission des pêches des Grands Lacs.

De ces entretiens, le gouvernement canadien conclut que la Convention précitée sera modifiée par la substitution du mot « quatre » au mot « trois » dans la deuxième phrase de l'alinéa 1 de l'article II.

J'ai aussi l'honneur de proposer que, sur confirmation de l'entente précitée de la part du gouvernement des États-Unis, cette note et la réponse de votre Excellence constituent, entre nos deux gouvernements, un accord qui entrera en vigueur à la date de la réponse de votre Excellence. »

J'ai l'honneur de confirmer l'entente précitée, au nom de mon gouvernement. En conséquence, votre note et cette réponse constituent, entre nos deux gouvernements, un accord qui entre en vigueur aujourd'hui.

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

W.W. Butterworth

S.R., ch. F-15, ann.

FACSIMILE OF THE GREAT LAKES FISHERY ACT OF 1956 (USA)

GREAT LAKES FISHERY ACT OF 1956

[Chapter 358, Approved June 4, 1956, 70 Stat. 242]

[Amended through Public Law 107–228, Sept. 30, 2002]

[Currency: This publication is a compilation of the text of chapter 358 of the 84th Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>**]**

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).**]**

AN ACT To give effect to the Convention on Great Lakes Fisheries signed at Washington September 10, 1954, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That **[**16 U.S.C. 931 note**]** this Act may be cited as the “Great Lakes Fishery Act of 1956.”

SEC. 2. **[**16 U.S.C. 931**]** As used in this Act, the term—

(a) “Convention” means the Convention on Great Lakes Fisheries between the United States of America and Canada signed at Washington September 10, 1954;

(b) “Commission” means the Great Lakes Fishery Commission provided for by article II of the convention;

(c) “United States Section” means the United States Commissioners on the Commission;

(d) “Great Lakes State” means any of the following States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin;

(e) “Great Lakes” means any of the following bodies of water: Lake Ontario (including the Saint Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, or Lake Superior.

SEC. 3. **[**16 U.S.C. 932**]** (a)(1) The United States shall be represented on the Commission by 4 Commissioners who shall be appointed by the President and who may not receive compensation for service as Commissioners. Of the Commissioners—

(A) 1 shall be an official of the United States Government;

and

(B) 3 shall be individuals who reside in different Great Lakes States and who are knowledgeable regarding the fish-

FACSIMILE OF THE GREAT LAKES FISHERY ACT OF 1956 (USA). Continued.**Sec. 4****GREAT LAKES FISHERY ACT OF 1956****2**

eries of the Great Lakes, except that 1 of them must also be an official of¹ Great Lakes State.

(2) The President shall appoint an alternate Commissioner who shall perform the duties of a Commissioner—

(A) until a vacancy referred to in subsection (b)(3) is filled; and

(B) in the event of the absence of a Commissioner from any meeting of the United States Section or the Commission.

(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(b)(1) Except as provided in paragraph (2), the term of office of Commissioners appointed under subsection (a)(1)(B) is 6 years.

(2) Of the Commissioners first appointed under subsection (a)(1)(B) after the date of the enactment of this subsection, 1 shall be appointed for a term of 2 years, 1 shall be appointed for a term of 4 years, and 1 shall be appointed for a term of 6 years.

(3) Whenever a vacancy occurs among Commissioners appointed under subsection (a)(1)(B), the President shall appoint an individual to fill that vacancy for the remainder of the applicable term.

SEC. 4. [16 U.S.C. 933] (a) The United States Section shall appoint an advisory committee for each of the Great Lakes, upon which committee each State bordering on the lake may be represented by not more than four members. In making such appointments, the United States Section shall make its selection for each State from a list proposed by the Governor of that State; and shall give due consideration to the interests of—

(1) State agencies having jurisdiction over fisheries;

(2) the commercial fishing industry of the lake;

(3) the sports fishing of the lake; and

(4) the public at large.

(b) A member of the advisory committee for one lake may also be a member of the advisory committee for one or more other lakes.

(c) The members of the advisory committees shall receive no compensation from the Government of the United States for their services as such members. Not more than ten members of all the committees, designated by the committees and approved by the United States Section, may be paid by the Government of the United States for transportation expenses and per diem incident to attendance at the annual meeting of the Commission or of the United States Section.

(d) The members of the advisory committee for each lake shall be invited to attend all nonexecutive meetings of the United States Section relating to that lake and at such meetings shall be granted opportunity to examine and be heard on all proposed recommendations, programs, and activities relating to that lake.

[Section 5 was repealed by section 203(a) of Public Law 92-471, 86 Stat. 787]

¹ So in law. Probably should be followed by “a”.

FACSIMILE OF THE GREAT LAKES FISHERY ACT OF 1956 (USA). Continued.

3

GREAT LAKES FISHERY ACT OF 1956

Sec. 13

SEC. 6. [16 U.S.C. 935] In order to carry out the obligations of the United States under the Convention, the United States Section is authorized—

(a) to acquire any real property, or any interest therein, by purchase, exchange, gift, dedication, condemnation, or otherwise;

(b) to construct, operate, and maintain any project or works designed to facilitate compliance with the provisions of the Convention relating to the sea lamprey control program; and

(c) to enter into contract or agreement with any State or other public agency or private agency or individual for the construction, operation, or maintenance of any such project or works.

SEC. 7. [16 U.S.C. 936] The Secretary of the Interior is authorized, upon the request of the United States Section—

(a) to transfer to the United States Section any lamprey control project or works under his jurisdiction now existing or now under construction; and

(b) to act for or on behalf of the United States Section in the exercise of the powers granted by this Act.

SEC. 8. [16 U.S.C. 937] The United States Section shall, for the purposes of these¹ provisions of title 28, U.S.C., Judiciary and Judicial Procedure, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

SEC. 9. [16 U.S.C. 938] At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

SEC. 10. [16 U.S.C. 939] The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

SEC. 11. [16 U.S.C. 939a] Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

SEC. 12. [16 U.S.C. 939b] Nothing in this Act shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this Act.

SEC. 13. [16 U.S.C. 939c] There is hereby authorized to be appropriated from time to time such sums as may be necessary for

¹ So in law. Probably should be "those".

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN CONCERNING THE FISHERIES IN WATERS CONTIGUOUS TO THE UNITED STATES AND CANADA (1908)

Before the successful Convention on Great Lakes Fisheries between the United States of America and Canada in 1954^{16,17}, Canada and the USA produced two agreements, both of which failed. The first attempt at an agreement (1908) was the Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada (Treaty of 1908^{18,19}). The second attempt at an agreement (1946) was the Great Lakes Fisheries Convention between Canada and the United States^{20,21}. Both agreements were preceded by binational boards of inquiry charged with investigating the state of the Great Lakes fishery and making recommendations for better management. Both agreements failed because of a lack of appetite to regulate and because they granted too much power to a joint commission.

Why Was Great Britain Included in the Great Lakes Fisheries?

Despite the ratification of the British North America Act in 1867, legislation often referenced as Canada's Constitution, foreign relations and other external legal authorities were not addressed as part of the self-governing

processes and powers divested from the United Kingdom to the newly established Government of Canada during Confederation. Accordingly, prior to the beginning of the 20th Century, Canada did not control its own external affairs. Instead, the Governor General of Canada worked with the British Ambassador in Washington and the British Foreign Secretary to oversee and fully manage any foreign issue impacting Canada. This British control was nearly absolute until June 1, 1909, when Canada founded a small Department of External Affairs. At that time, Canada began taking formative steps to administer its own foreign policies instead of relying entirely on the United Kingdom for declarations of war, the ratification of treaties, and other matters of legal and political consequence occurring outside of Canada.

Because of the evolutionary timeline of Canada's external affairs authorities, the 1908 treaty was jointly negotiated by representatives of the United Kingdom and the United States of America. As the British Government signed the document on April 11, 1908, 417 days prior to Canada opening its first foreign office, the 1908 treaty is a treaty between the United Kingdom

¹⁶Library and Archives Canada, RG25-B-2, Volume number: 2140, File number: 701, File part: 2.

¹⁷Convention on Great Lakes Fisheries between the United States of America and Canada, signed September 10, 1954; TIAS 3326: Canada, Great Lake Fisheries, September 10, 1954; Treaties and Other International Acts (TIAS), 1942-95: 1501-12695; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

¹⁸United States Convention. Protection of Food Fishes, 11 April 1908; The National Archives, Kew, United Kingdom, FO 93/8/118.

¹⁹Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada, signed April 11, 1908; Treaty Series 498 AO: United Kingdom-Fisheries in United States and Canadian Waters, April 11, 1908; Perfected Treaties, 1778-1945, American Originals: 1 AO-994 AO; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

²⁰Library and Archives Canada, RG25-B-2, Volume number: 2140, File part: 1.

²¹Great Lakes Fisheries Convention Between the United States and Canada, signed April 2, 1946; Unperfected P-13: Great Lakes Fisheries Convention, U.S.-Canada. Washington, April 2, 1946; Unperfected Treaties and Other International Agreements, 1984-1983: A-Y14 and Unlettered; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

and the United States of America and is therefore stored in the collection at the National Archives in the United Kingdom, from where a copy was obtained for this publication.

Prior to the Treaty of 1908, Great Britain (on behalf of Canada) and the USA appointed a Joint Commission of 1892, led by Commissioners William Wakeham (Great Britain) and Richard Rathbun (USA), to investigate the state of the shared fishery across the entire Canada-U.S. border. Most of the investigation's report, issued in 1897, focused on the particularly dismal practices that existed in the Great Lakes region (Wakeham and Rathbun 1897). Wakeham and Rathbun noted major declines in fish catch because of overfishing, wantonly destructive gear, fishing during the spawning season, and pollution.

The Commissioners laid the blame on disparate regulations (to the extent regulations existed) among the states and provinces. To remedy the problem, Wakeham and Rathbun recommended a treaty between Great Britain and the USA that would take regulatory power away from the sub-national units and vest it in a permanent, binational commission.

After more than a decade, Great Britain and the USA negotiated and signed the Treaty of 1908. The treaty created the International Fisheries Commission and gave it the power to "prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes". The International Fisheries Commission's authority would extend to most shared fresh waters and some salt waters of Canada and the USA.

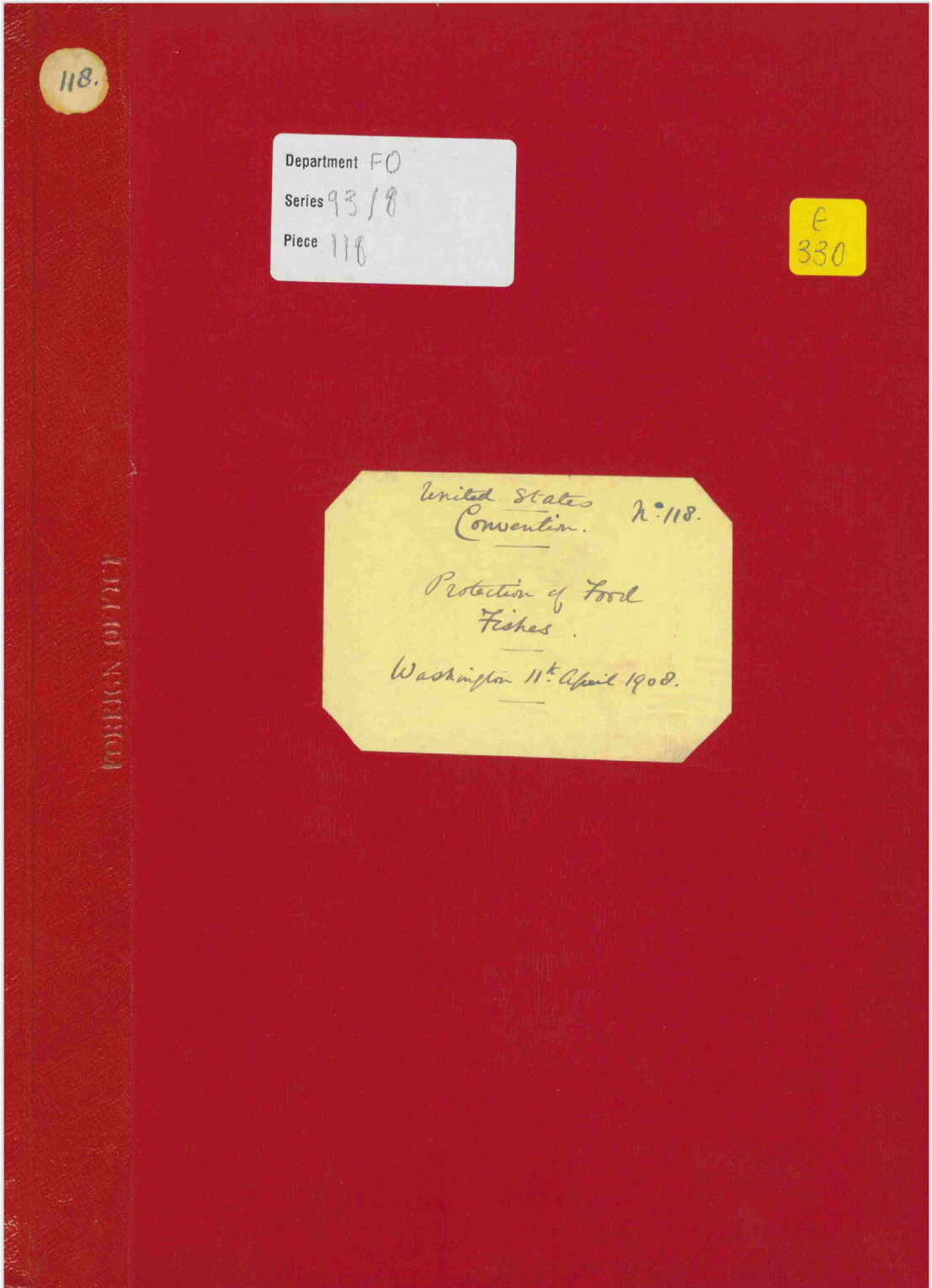
Both nations ratified the agreement, but the USA did not pass enabling legislation, thus the Treaty of 1908 never went into effect. The Treaty of 1908's demise is attributed to the fact that the USA, despite clear agreement, was not willing to regulate its fisheries. Moreover, the International Fisheries Commission would have usurped sub-national management authority (Gaden et al. 2022).

The following are facsimiles of the Treaty of 1908, as signed by each nation, from the British Archives²² and the U.S. National Archives²³.

²²United States Convention. Protection of Food Fishes, 11 April 1908; The National Archives, Kew, United Kingdom, FO 93/8/118.

²³Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada, signed April 11, 1908; Treaty Series 498 AO: United Kingdom-Fisheries in United States and Canadian Waters, April 11, 1908; Perfected Treaties, 1778-1945, American Originals: 1 AO-994 AO; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

FACSIMILE OF THE TREATY OF 1908 FROM THE BRITISH ARCHIVES



118.

Department FO
Series 93/8
Piece 118

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330

FOREIGN OFFICE

United States Convention. n°:118.
Protection of Food Fishes.
Washington 11th April 1908.

FACSIMILE OF THE TREATY OF 1908 FROM THE BRITISH ARCHIVES. Continued.

His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, and the United States of America, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, have resolved to conclude a Convention for these purposes, and have named as their Plenipotentiaries:

His Britannic Majesty, the Right Honorable James Bryce, O. M., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root, Secretary of State of the United States;

Who, having exchanged their full powers, found in due form, have agreed to and signed the following articles:

ARTICLE I.

The times, seasons, and methods of fishing in the waters contiguous to the United States and Canada as specified in Article IV of this Convention, and the nets, engines, gear, apparatus, and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions, and provisions; and to that end the High Contracting Parties agree to appoint, within three months after this Convention is proclaimed, a Commission to be known as the International Fisheries Commission, consisting of one person named by each Government.

ARTICLE II.

It shall be the duty of this International Fisheries Commission, within six months after being named, to prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV of this Convention, which Regulations shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus, and other appliances; a uniform system of registry by each Government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the Commission shall deem necessary.

ARTICLE III.

The two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the Regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the President of the United States and the Governor-General of the Dominion of Canada in Council.

FACSIMILE OF THE TREATY OF 1908 FROM THE BRITISH ARCHIVES. Continued.

And it is further agreed that jurisdiction shall be exercised by either Government, as well over citizens or subjects of either party apprehended for violation of the Regulations in any of its own waters to which said Regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said Regulations within the waters of the other party.

ARTICLE IV.

It is agreed that the waters within which the aforementioned Regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said River constitutes the International Boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay but including North Channel; (11) St. Mary's River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of $48^{\circ} 10'$ and $49^{\circ} 20'$; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments. It is agreed on the part of Great Britain that the Canadian Government will protect by adequate regulations the food fishes frequenting the Fraser River.

The two Governments engage to have prepared as soon as practicable charts of the waters described in this Article, with the International Boundary Line indicated thereon; and to establish such additional boundary monuments, buoys, and marks as may be recommended by the Commission.

ARTICLE V.

The International Fisheries Commission shall continue in existence so long as this Convention shall be in force, and each Government shall have the power to fill, and shall fill from time to time, any vacancy which may occur in its representation on the Commission. Each Government shall pay its own Commissioner, and any joint expenses shall be paid by the two Governments in equal moieties.

ARTICLE VI.

The Regulations, restrictions, and provisions provided for in this Convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the Government of Great Britain or of the United States shall give notice to the other of its desire for their revision; and immediately upon such notice being given the Commission shall proceed to make a revision thereof, which Revised Regulations, if adopted and promulgated by the President of the United States and the Governor-General of Canada in Council, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this Article. It shall, however, be in the power

FACSIMILE OF THE TREATY OF 1908 FROM THE BRITISH ARCHIVES. Continued.

of the two Governments, by joint or concurrent action upon the recommendation of the Commission, to make modifications at any time in the Regulations.

ARTICLE VII.

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

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington the *11th* day of April, in the year of our Lord one thousand nine hundred and eight.



James B. ...
William Wood

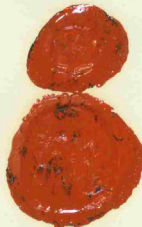
FACSIMILE OF THE TREATY OF 1908 FROM THE BRITISH ARCHIVES. Continued.

CERTIFICATE OF EXCHANGE OF RATIFICATIONS.

The Undersigned having met together for the purpose of exchanging the Ratifications of a Convention providing for the protection of the fisheries in waters contiguous to the United States and Canada, between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, signed at Washington on the 11th day of April, 1908; and the respective Ratifications of the said Convention having been carefully compared and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

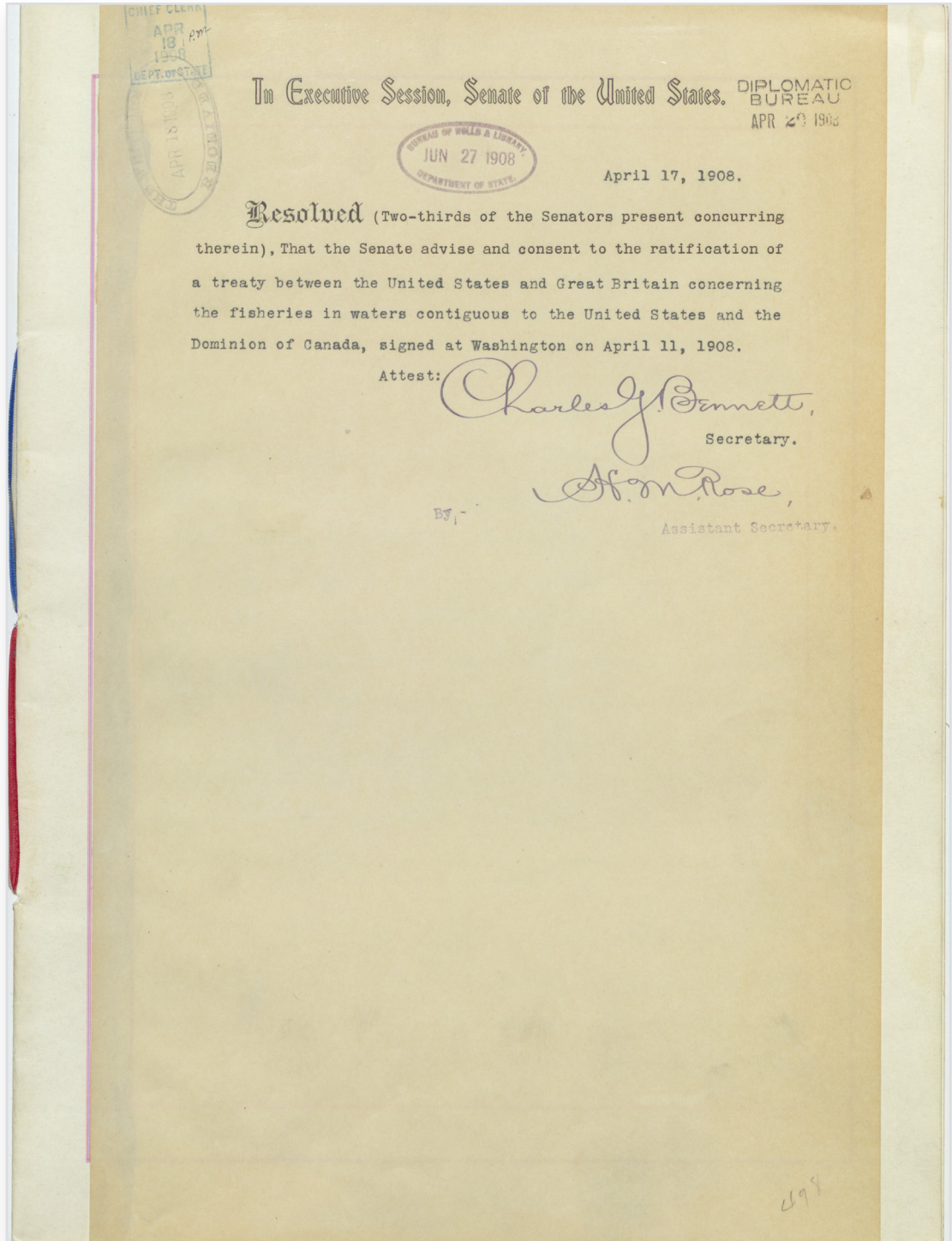
In witness whereof they have signed the present Certificate, and have affixed thereto their respective seals.

Done at Washington, the 4th day of June, 1908.



James Bryce
John Root

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES



FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

*Theodore Roosevelt,
President of the United States of America,*

To all to whom these Presents shall come, Greeting:

Know Ye, That whereas a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, providing for the adoption of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, was concluded and signed by their respective Plenipotentiaries at Washington, on the eleventh day of April, one thousand nine hundred and eight, the original of which Convention is hereto annexed;

And whereas, the Senate of the United States by their resolution of April 17, 1908, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Convention;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, having seen and considered the said Convention do hereby, in pursuance of the aforesaid advice and consent of the Senate, ratify and

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

confirm the same and every article and clause thereof.



*Given under my hand at the City
of Washington, this eleventh
day of May, in the year
of our Lord one thousand
nine hundred and eight,
and of the Independence
of the United States of
America the one hundred
and thirty-second.*

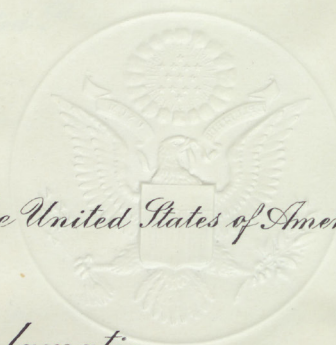
Theodore Roosevelt

By the President:

W. H. Wood

Secretary of State.

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.



By the President of the United States of America.

A Proclamation.

Whereas a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, providing for the adoption of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, was concluded by their respective Plenipotentiaries at Washington, on the eleventh day of April, one thousand nine hundred and eight, the original of which Convention is word for word as follows:

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. *Continued.*

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, have resolved to conclude a Convention for these purposes, and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having exchanged their full powers, found in due form, have agreed to and signed the following articles:

ARTICLE I.

The times, seasons, and methods of fishing in the waters contiguous to the United States and Canada as specified in Article IV of this Convention, and the nets, engines, gear, apparatus, and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions, and provisions; and to that end the High Contracting Parties agree to appoint, within three months after this Convention is proclaimed, a Commission to be known as the International Fisheries Commission, consisting of one person named by each Government.

ARTICLE II.

It shall be the duty of this International Fisheries Commission, within six months after being named, to prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV of this Convention, which Regulations shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus, and other appliances; a uniform system of registry by each Government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the Commission shall deem necessary.

ARTICLE III.

The two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the Regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the President of the United States and the Governor-General of the Dominion of Canada in Council.

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

And it is further agreed that jurisdiction shall be exercised by either Government, as well over citizens or subjects of either party apprehended for violation of the Regulations in any of its own waters to which said Regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said Regulations within the waters of the other party.

ARTICLE IV.

It is agreed that the waters within which the aforementioned Regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said River constitutes the International Boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay but including North Channel; (11) St. Mary's River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of $48^{\circ} 10'$ and $49^{\circ} 20'$; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments. It is agreed on the part of Great Britain that the Canadian Government will protect by adequate regulations the food fishes frequenting the Fraser River.

The two Governments engage to have prepared as soon as practicable charts of the waters described in this Article, with the International Boundary Line indicated thereon; and to establish such additional boundary monuments, buoys, and marks as may be recommended by the Commission.

ARTICLE V.

The International Fisheries Commission shall continue in existence so long as this Convention shall be in force, and each Government shall have the power to fill, and shall fill from time to time, any vacancy which may occur in its representation on the Commission. Each Government shall pay its own Commissioner, and any joint expenses shall be paid by the two Governments in equal moieties.

ARTICLE VI.

The Regulations, restrictions, and provisions provided for in this Convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the Government of the United States or of Great Britain shall give notice to the other of its desire for their revision; and immediately upon such notice being given the Commission shall proceed to make a revision thereof, which Revised Regulations, if adopted and promulgated by the President of the United States and the Governor-General of Canada in Council, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this Article. It shall, however, be in the power

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

of the two Governments, by joint or concurrent action upon the recommendation of the Commission, to make modifications at any time in the Regulations.

ARTICLE VII.

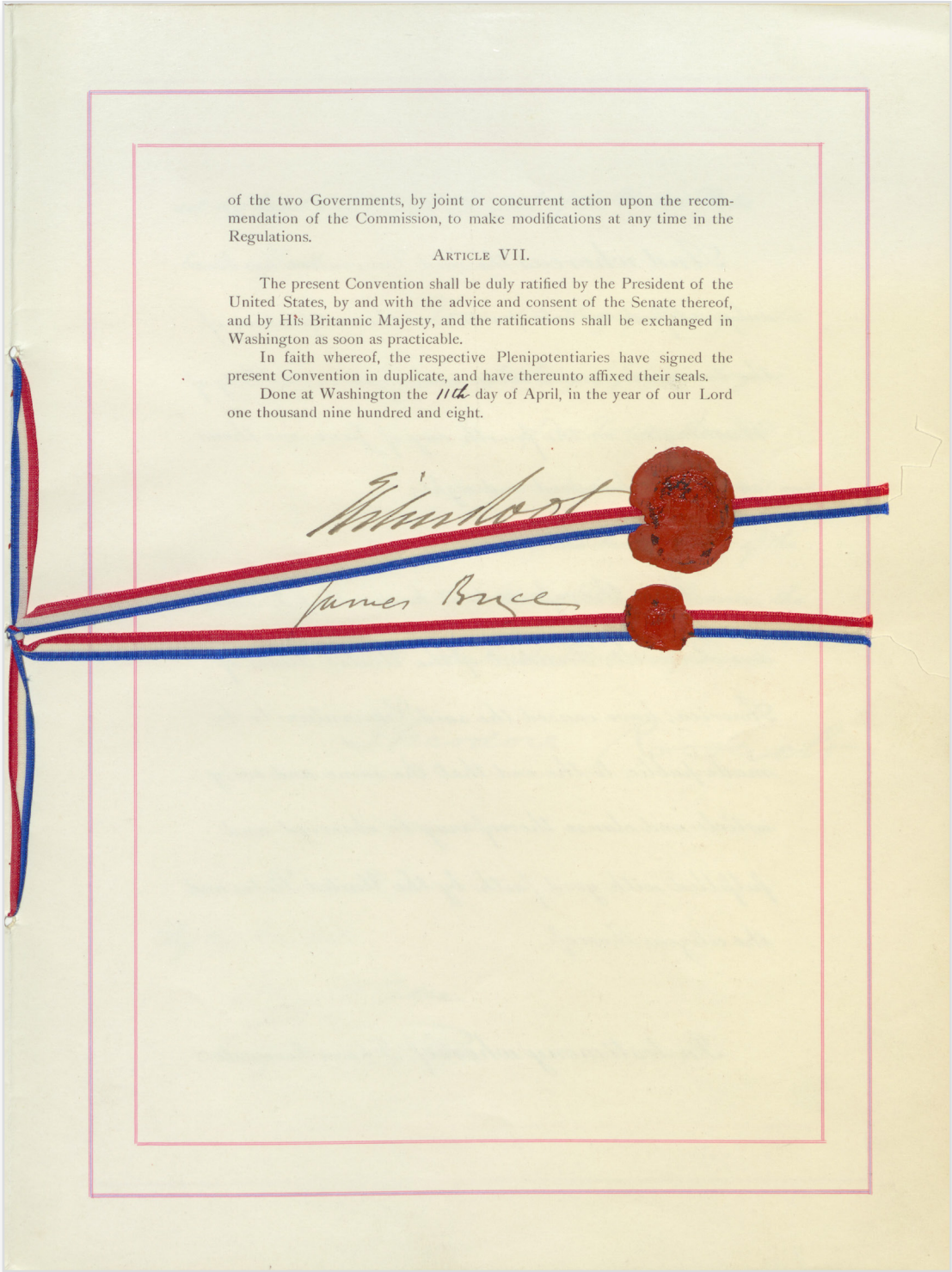
The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington the *11th* day of April, in the year of our Lord one thousand nine hundred and eight.

William Root

James Bruce



FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the fourth day of June, one thousand nine hundred and eight;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled, with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.

*set my hand and caused the seal of the United States
to be affixed.*



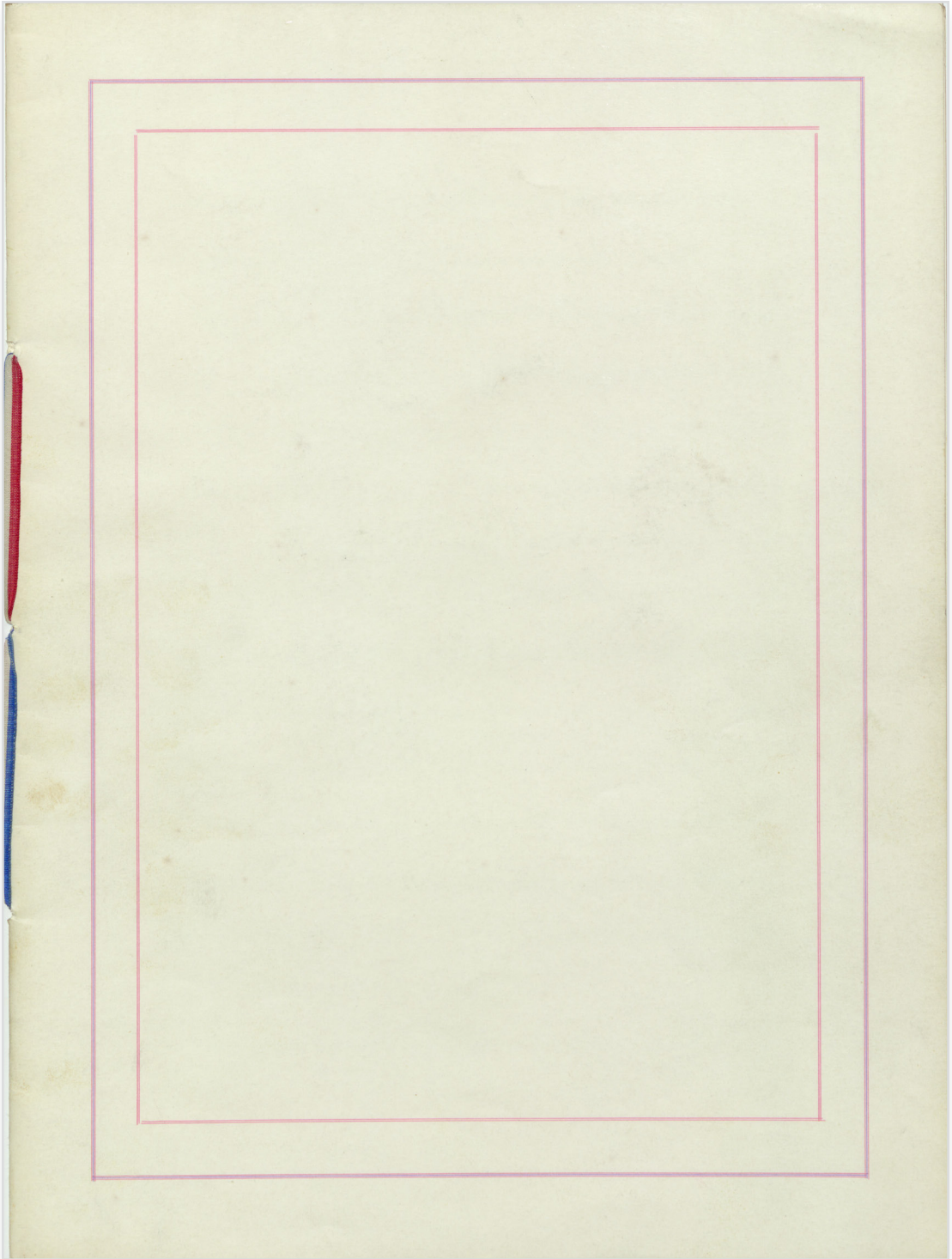
*Done at the City of Washington this
first day of July, in the year
of our Lord one thousand
nine hundred and eight, and
of the Independence of the
United States of America, the
one hundred and thirty-second.*

Theodore Roosevelt

By the President:

Alvey A. Adee
Acting Secretary of State.

FACSIMILE OF THE TREATY OF 1908 FROM THE U.S. NATIONAL ARCHIVES. Continued.



GREAT LAKES FISHERIES CONVENTION BETWEEN CANADA AND THE UNITED STATES (1946)

In the years following the failure of the Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada (Treaty of 1908^{24,25}), the condition of the Great Lakes fishery continued to worsen. Moreover, the lack of coordination among state, provincial, Indigenous, and federal jurisdictions made it nearly impossible to avoid a “tragedy of the commons” situation, whereby each jurisdiction, acting in its own interests, facilitates the collapse of a shared resource.

Leading scientists and policy makers in the 1890s–1940s tried at least 27 times to create an enduring regime for cooperative management. In every instance, the regime did not last because no incentive or compulsion to cooperate existed (Gaden et al. 2013).

Canada’s ability to directly manage its own foreign policy, independent of the United Kingdom, started to emerge in the wake of World War I when Canadian Prime Minister Robert Borden presented Canada’s case at the 1917 Imperial War Conference in London. Conference delegates were sympathetic to Borden’s call as they saw Canada in a more independent light following Canada’s sacrifices made during the war years. These conversations paved the way for Canada to formally win the right, at the subsequent 1926 Imperial Conference in London, to conduct an independent foreign policy²⁶.

Citing continued decline in fish stocks and the poor state of science, Canada and the USA formed the 1940 International Board of Inquiry and charged the board with investigating the state of the fishery and presenting conservation recommendations. Archibald Huntsman, (federal Fisheries Research Board of Canada) and David Taylor (provincial Deputy Minister of Game and Fisheries) served as Canada’s Board Members. Hubert Gallagher (Council of State Governments) and John Van Oosten (Director, Great Lakes Laboratory) served as U.S. Board Members. The board held 29 field hearings throughout the Great Lakes basin between 1940 and 1942 (Gaden et al. 2022).

Like the Joint Fisheries Commission before it, the International Board of Inquiry noted the dismal state of the fishery and recommended cohesive regulations developed by a joint Canada–U.S. organization (Gallagher et al. 1943). The U.S. members, in a supplement to the report, recommended a treaty to create the joint organization (Gallagher and Van Oosten 1943).

Starting in 1944, the two nations began negotiating a new agreement that culminated in the Great Lakes Fisheries Convention between Canada and the United States (Convention of 1946^{27,28}). The new agreement was similar to the Treaty of 1908 in that it gave regulatory authority to a joint body, called the International Commission for the Great Lakes Fisheries. The Convention of 1946 also called for

²⁴United States Convention. Protection of Food Fishes, 11 April 1908; The National Archives of the UK (Kew): FO 93/8/118.

²⁵Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada, signed April 11, 1908; Treaty Series 498 AO: United Kingdom–Fisheries in United States and Canadian Waters, April 11, 1908; Perfected Treaties, 1778–1945, American Originals: 1 AO–994 AO; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

²⁶https://www.international.gc.ca/gac-amc/history-histoire/throughout-decades_cours-decennies.aspx?lang=eng

²⁷Library and Archives Canada, RG25-B-2, Volume number: 2140, File part: 1.

²⁸Great Lakes Fisheries Convention between the United States and Canada, signed April 2, 1946; Unperfected P-13: Great Lakes Fisheries Convention, U.S.–Canada. Washington, April 2, 1946; Unperfected Treaties and Other International Agreements, 1784–1983: A-Y14 and Unlettered; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

science-based decisions. The Convention of 1946 differed from the Treaty of 1908 in that only the Great Lakes basin was covered.

The Convention of 1946 (and 1954 for that matter) was negotiated by Canadian officials, without representation from the United Kingdom. This change in authority means that the original Canadian document can be found within the archives managed by the Treaty Law Division at Global Affairs Canada in Ottawa rather than in the National Archives in the United Kingdom.

The Convention of 1946 was not ratified by either country. Canada did not act because it decided to wait to see what the USA would do. The USA failed to ratify the agreement after years of sustained criticism about the accord's

usurpation of state management authority. The agreement was quietly withdrawn in 1952 (Gaden et al. 2022).

Even though the Sea Lamprey *Petromyzon marinus* threat was beginning to manifest itself by 1946, the Convention of 1946 did not vest a Sea Lamprey control mandate within the International Commission for the Great Lakes Fisheries—the threat was too new. The Sea Lamprey control mandate would have to wait for the Convention on Great Lakes Fisheries between the United States of America and Canada of 1954.

The following are facsimiles of the Convention of 1946, as signed by each nation, from the Archives of Canada and the U.S. National Archives.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA

GREAT LAKES FISHERIES CONVENTION

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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, 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.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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,

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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 fish-

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

ery 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.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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, licenses 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 licenses 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 waters affected.

ARTICLE IX

The High Contracting Parties agree to provide for the

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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:

Lester B. Pearson
H. Francis G. Bridges

FOR THE UNITED STATES OF AMERICA:

Dean Rusk



FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

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.

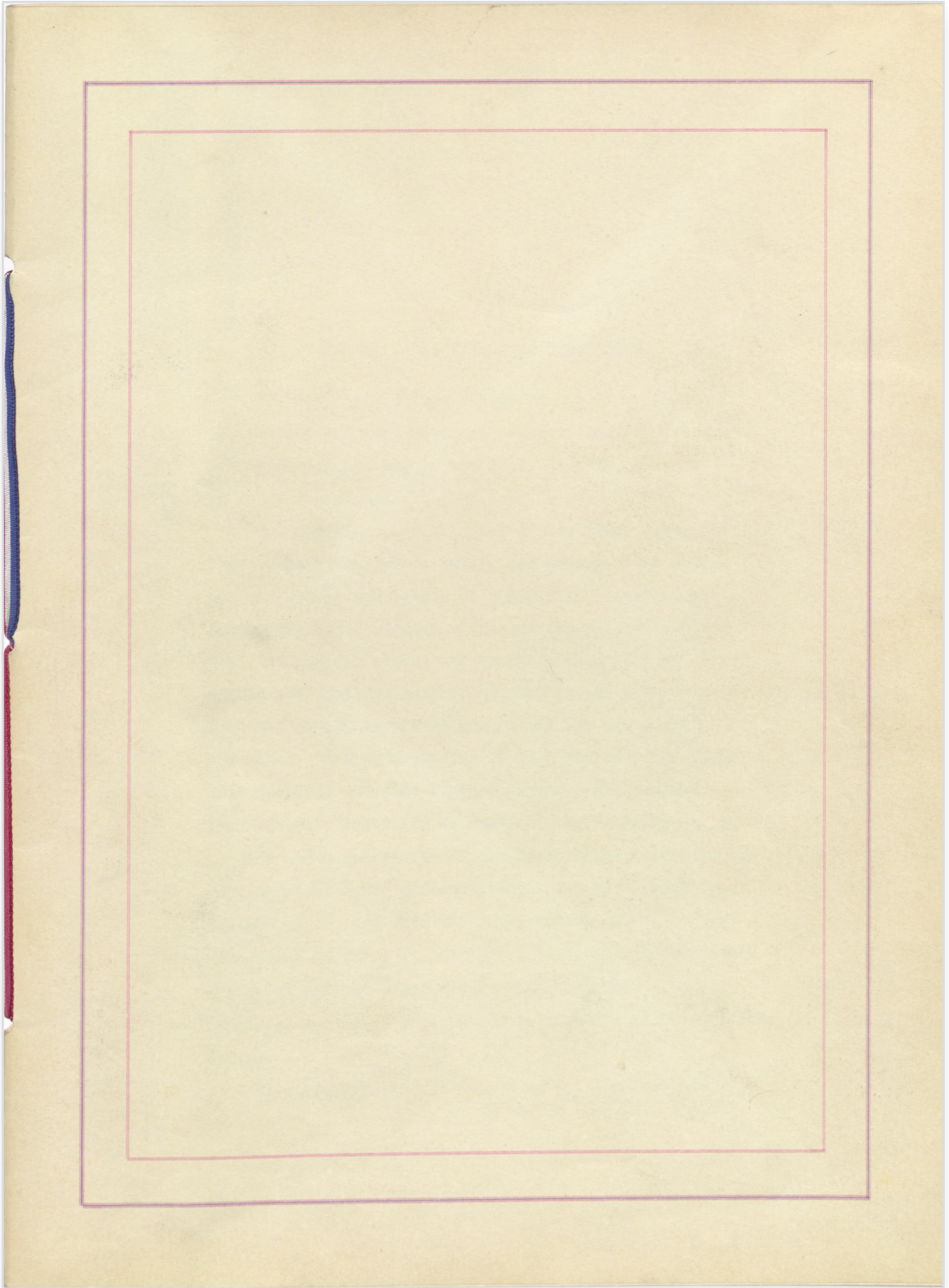
12. The provisions of this Schedule may be revised and amended from time to time by the Commission: Provided that:

(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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE ARCHIVES OF CANADA. Continued.

(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.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES



FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

GREAT LAKES FISHERIES CONVENTION

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

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 the United States of America and Canada, 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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

purpose and have appointed as their respective plenipotentiaries,

The President of the United States of America:

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

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;

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, 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.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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 United States Section and a Canadian Section.

2. Each High Contracting Party may also appoint an advisory committee for each lake consisting of representatives designated by each state or province, 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 states of the United States of America concerned and the Province of Ontario, as well as such other institutions and facilities as the Commission deems advisable, for observations and studies of the Great Lakes fisheries,

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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 any state or of the Province of Ontario 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 fish-

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

ery 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.

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

3. The Commission may make recommendations to the appropriate federal, state, provincial 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 state and provincial 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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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 any of the states of the United States of America bordering on the Great Lakes or the Province of Ontario 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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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, licenses to fish in the waters of the Great Lakes within the jurisdiction of any state or province may continue to be issued by such state or province in accordance with its laws and subject to such fees as it may fix, if such licenses 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 state or province 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 waters affected.

ARTICLE IX

The High Contracting Parties agree to provide for the

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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.

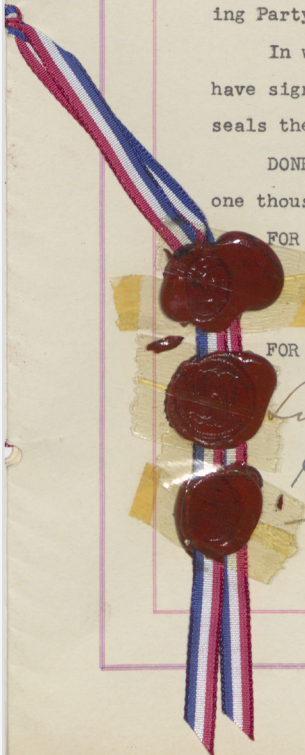
FOR THE UNITED STATES OF AMERICA:

Alan Richeson

FOR CANADA:

Lister B Pearson

H. Francis E. Bridges



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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 state or provincial conservation and fishery agencies, commercial fishermen, sports fishermen, and the public at large; but the members of such advisory committee

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shall be designated by the states or province 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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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 President of the United States of America or to the Governor General of Canada 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 President of the United States of America or to the Governor General

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

of Canada 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

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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:

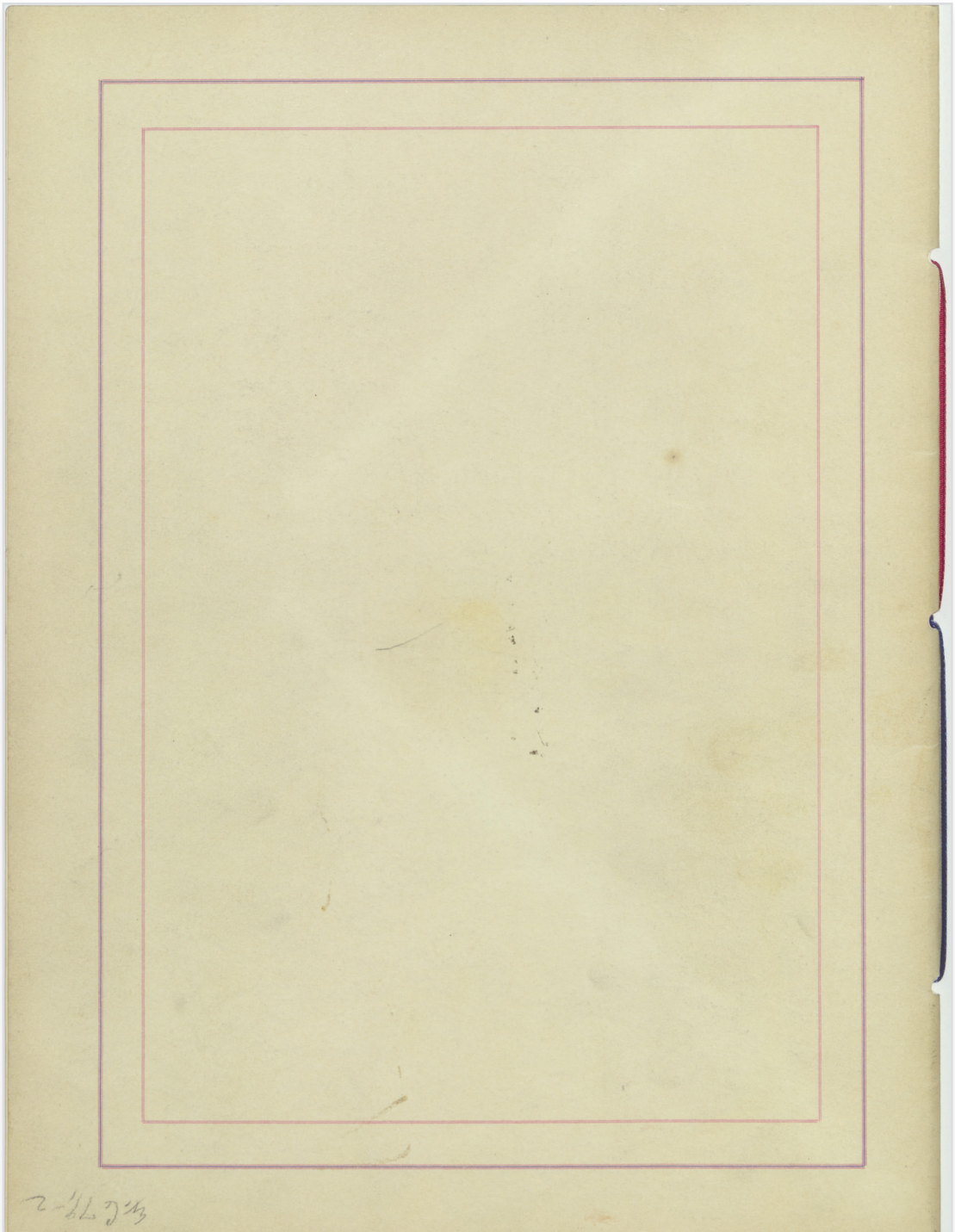
(a) any revision or amendment inconsistent with the provisions of this Schedule must be confirmed by an exchange of notes between the High Contracting Parties; and

FACSIMILE OF THE CONVENTION OF 1946 FROM THE U.S. NATIONAL ARCHIVES. Continued.

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

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THE THREE AGREEMENTS SIDE BY SIDE

The Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada (Treaty of 1908) and the Great Lakes Fisheries Convention between Canada and the United States (Convention of 1946), and the Convention on Great Lakes Fisheries between the United States of America and Canada (Convention of

1954) attempted to stop the decline of the Great Lakes fishery (all border fisheries in the case of the Treaty of 1908) and to establish a permanent mechanism to foster binational cooperation.

The following table compares and contrasts the three agreements. The table is adapted from Gaden et al. (2022).

Category	Convention of 1954 ^{29,30}	Treaty of 1908 ^{31,32}	Convention of 1946 ^{33,34}
Name of Agreement	Convention on Great Lakes Fisheries between the United States of America and Canada	Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada	Great Lakes Fisheries Convention between Canada and the United States
Date Signed	September 10, 1954	April 11, 1908	April 2, 1946

²⁹Library and Archives Canada, RG25-B-2, Volume number: 2140, File number: 701, File part: 2.

³⁰Convention on Great Lakes Fisheries between the United States of America and Canada, signed September 10, 1954; TIAS 3326: Canada, Great Lakes Fisheries, September 10, 1954; Treaties and Other International ACTS (TIAS), 1942-95: 1501-12595; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

³¹United States Convention. Protection of Food Fishes, 11 April 1908; The National Archives of the UK (Kew): FO 93/8/118.

³²Treaty between the United States and Great Britain Concerning the Fisheries in Waters Contiguous to the United States and Canada, signed April 11, 1908; Treaty Series 498 AO: United Kingdom–Fisheries in United States and Canadian Waters, April 11, 1908; Perfected Treaties, 1778–1945, American Originals: 1 AO–994 AO; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

³³Library and Archives Canada, RG25-B-2, Volume number: 2140, File part: 1.

³⁴Signed April 2, 1946; Unperfected P-13; Unperfected Treaties and Other International Agreements, 1784-1983: A-Y14 and Unlettered; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

THE THREE AGREEMENTS SIDE BY SIDE. Continued.

Category	Convention of 1954	Treaty of 1908	Convention of 1946
Effective Date	October 11, 1955	Never went into effect officially Both countries ratified the treaty Both countries appointed Commissioners in 1908 Canada acted upon the regulations promulgated by the Commissioners, but the U.S. did not	Never went into effect Neither country ratified the treaty
Enabling Legislation	Canada: Great Lakes Fisheries Convention Act [1956] (Revised Statutes of Canada 1985, c. F-17) U.S.: Great Lakes Fishery Act of 1956 (U.S. Code, volume 16, sections 931-939c)	Not applicable	Not applicable
Scope of Agreement	Great Lakes area, including all five Great Lakes, Lake St. Clair, Georgian Bay, connecting channels, and St. Lawrence River to 45th parallel Great Lakes tributaries for investigations and Sea Lamprey control Fish stocks of common concern	Most boundary fresh waters shared by Canada and the U.S.; Lake Michigan and Georgian Bay in Lake Huron excluded Atlantic coast between Cape Hatteras and St. Lawrence River mouth, Bay of Fundy, and salt waters between Washington and British Columbia	Great Lakes area, including all five Great Lakes, Lake St. Clair, Georgian Bay, connecting channels and embayments, and St. Lawrence River to 45th parallel
Name of Organization Created	Great Lakes Fishery Commission	International Fisheries Commission	International Commission for the Great Lakes Fisheries

THE THREE AGREEMENTS SIDE BY SIDE. Continued.

Category	Convention of 1954	Treaty of 1908	Convention of 1946
Commissioners	<p>Commission consists of a Canadian section and a U.S. section</p> <p>Three Commissioners from each country; in 1967, the number of Commissioners was increased by mutual agreement (a “diplomatic note”) to four from each country</p> <p>Canadian section composition: not stipulated; traditionally, one is a Province of Ontario official and one is a federal official</p> <p>U.S. section composition: by law, one must be a federal official and one a state official; both countries appoint an alternate commissioner</p>	<p>One Commissioner from each country</p> <p>No stipulation as to how Commissioners were to be selected</p>	<p>Commission consists of a Canadian section and a U.S. section</p> <p>Three Commissioners from each country</p> <p>Canadian section composition: one federal official, one Province of Ontario official, and one public-at-large member</p> <p>U.S. section composition: one federal official, one person nominated by the states, and one public-at-large member</p>
Voting	<p>Voting by section not by Commissioner</p> <p>Decision making must be by consensus since number of sections is equal</p> <p>No stipulation regarding how sections determine their votes</p> <p>Votes rarely occur</p>	<p>Two Commissioners jointly develop regulations</p> <p>No process stipulated for Commissioners to develop regulations</p>	<p>One vote per Commissioner</p> <p>Decisions by majority vote of Commissioners</p> <p>Lake Michigan decisions determined by majority vote of U.S. Commissioners only</p>

THE THREE AGREEMENTS SIDE BY SIDE. Continued.

Category	Convention of 1954	Treaty of 1908	Convention of 1946
Role of Science	<p>Commission given several science-related duties:</p> <ul style="list-style-type: none"> • Formulate a research program concerning maximum sustained productivity and betterment of fish stocks of common concern • Coordinate and carry out research • Make recommendations to governments based on research findings • Publish or authorize publication of scientific and other information obtained by the commission • Conduct investigations • Hold public hearings 	Not mentioned explicitly	<p>Commission given authority to formulate and recommend specific research programs in collaboration with government and non-government institutions to guide its development of regulations</p> <p>Commission given authority to conduct or support other research deemed valuable to Great Lakes fisheries</p> <p>Commission given authority to hold hearings</p> <p>Commission directed to publish reports at least biennially on science, recommendations, etc.</p>

THE THREE AGREEMENTS SIDE BY SIDE. Continued.

Category	Convention of 1954	Treaty of 1908	Convention of 1946
Commission Does/Does Not Have Regulatory Authority	<p>Does not</p> <p>Article X contains a savings clause protecting sub-national and commission authority: “Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes, so far as such laws or regulations do not preclude the carrying out of the Commission’s duties.”</p>	<p>Does</p> <p>Commission has authority to “prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes”</p> <p>Regulations cover:</p> <ul style="list-style-type: none"> • Closed seasons • Size limits • Use of fishing gear • Use of engines and other apparatuses • Uniform system of registry • Concurrent measures for fish propagation <p>Regulations must be approved by Canadian Governor General and U.S. President</p>	<p>Does</p> <p>Commission has authority 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”</p> <p>Regulations cover:</p> <ul style="list-style-type: none"> • Open and closed seasons • Open and closed waters • Size limits for each fish species • Time, methods, and intensity of fishing • Type and specifications of nets, gear, and apparatuses to be used • Measurement methods • Extent and nature of stocking • New species introduction • Catch returns and statistical records • U.S. section alone has authority to promulgate regulations for Lake Michigan • Regulations must be presented to an advisory committee for consideration and comment and then approved by Canadian Governor General and U.S. President • States and Province of Ontario allowed to promulgate more restrictive regulations than the commission’s (if so desired) as long as such regulations are consistent with the commission’s regulations

THE THREE AGREEMENTS SIDE BY SIDE. Continued.

Category	Convention of 1954	Treaty of 1908	Convention of 1946
Sea Lamprey Control Authority	<p>Commission given broad authority to “formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area”</p> <p>Commission given authority to take measures and install devices in lakes and tributaries for Sea Lamprey control</p> <p>States and Province of Ontario not permitted to make laws or regulations that preclude the commission from implementing Sea Lamprey control</p>	<p>Not mentioned in the treaty because Sea Lamprey as an invasive species was present only in Lake Ontario</p>	<p>Sea Lamprey not mentioned in the treaty; thus, commission not given explicit authority to undertake Sea Lamprey control</p> <p>Commission given authority to make recommendations to federal, state, provincial, and local governments “regarding measures for dealing with such other factors affecting the Great Lakes fisheries”, which could cover Sea Lamprey control recommendations [this provision specifically references silting and pollution]</p> <p>Research into Sea Lamprey problem presumably could occur under general science provisions</p> <p>Commission given authority to issue regulations and “emergency regulations” which, presumably, could pertain to Sea Lamprey control</p>

CONCLUSION

The 1954 Convention on Great Lakes Fisheries between the United States of America and Canada (Convention of 1954^{35,36}) was the culmination of more than a half-century of painstaking attempts to achieve bi-national cooperation for the Great Lakes fishery. Many scientific surveys (and two bi-national boards of inquiry) recommended major action to stop the fishery decline, and two treaties failed because they overreached. The Sea Lamprey *Petromyzon marinus* invasion was a major catalyzing force

behind the negotiation and acceptance of the Convention of 1954. This publication goes beyond the history provided in Gaden et al. (2022) and provides an accounting of how the Convention of 1954 has been implemented since its inception. The authors hope this publication, by assembling all of the major legal documents in one place, helps to illustrate the evolution from chaos to cooperation in Great Lakes fishery management.

ACKNOWLEDGMENTS

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The authors appreciate the kind assistance of Tanya Brothen of the U.S. Department of State and Joshua Mason of the U.S. National Archives in locating and obtaining copies of the U.S. versions of the treaties, and the Treaty Enquiry Service (Legal Directorate) of the National Archives of the United Kingdom in locating and obtaining a copy of the Treaty of 1908. Finally, the authors are grateful for the edits and content-improving suggestions to this publication and the related Gaden et al. (2022) publication provided by Bob O'Gorman, Steven Bocking, Randy Eshenroder, Gail Mitchell, David Dempsey, and an anonymous reviewer.

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³⁵Canada: Library and Archives Canada, RG25-B-2, Volume number: 2140, File number: 701, File part: 2.

³⁶Convention on Great Lakes Fisheries between the United States of America and Canada, signed September 10, 1954; TIAS 3326: Canada, Great Lake Fisheries, September 10, 1954; Treaties and Other International Acts (TIAS), 1942-95: 1501-12695; General Records of the United States Government, Record Group 11; National Archives Building, Washington, D.C.

LITERATURE CITED

- Brant, C. (2019). *Great Lakes sea lamprey: the 70 year war on a biological invader*. University of Michigan Press.
- Criger, L. A., Barber, J. M., Bravener, G. A., Brenden, T. O., & Neave, F. B. (2021). The evolution of sea lamprey control in the St. Marys River: 1997–2019. *Journal of Great Lakes Research*, 47, S479–S491.
<https://doi.org/10.1016/j.jglr.2021.03.014>
- Gaden, M. (2007). *Bridging jurisdictional divides: collective action through a joint strategic plan for management of Great Lakes fisheries*. [Doctoral dissertation University of Michigan].
- Gaden, M. (2013). A history of multi-jurisdictional management of the shared Great Lakes fishery: transcending conflict and diffuse political authority. *Great Lakes fisheries policy and management: A binational perspective*, 305–338.
<https://doi.org/10.14321/j.ctt7ztc19>
- Gaden, M., O. Brant, C., & Lambe, R. (2021). Why a Great Lakes Fishery Commission? The seven-decade pursuit of a Canada-U.S. fishery treaty. *Journal of Great Lakes Research*. <https://doi.org/10.1016/j.jglr.2021.01.003>
- Gaden, M., Brant, C. O., and Lambe, R. 2022. The history behind the Canada-U.S. convention on Great Lakes fisheries: a seven-decade effort. *Laurentian* 2022-01. <https://doi.org/10.70227/SDJK2584>
- Gallagher, H. R., & Van Oosten, J. (1943). Supplemental report of the United States members of the International Board of Inquiry for the Great Lakes Fisheries. *USGS Report*, 25–213.
- Gallagher, H. R., Huntsman, A. G., Taylor, D. J., and Van Oosten, J. 1943. Gallagher, H. R., Huntsman, A. G., Taylor, D. J., & Van Oosten, J. (1943). Report of the International Board of Inquiry for the Great Lakes Fisheries. *USGS Report*, 1–24.
- GLFC (Great Lakes Fishery Commission). 1956a. Convention on Great Lakes Fisheries between the United States of America and Canada. Retrieved July 28, 2025, from <https://www.glfc.org/pubs/annualreports/1956.pdf>
- GLFC (Great Lakes Fishery Commission). 1956b. Organization and rules: organizational meeting [of the Great Lakes Fishery Commission], April 23–25, 1956. Retrieved July 28, 2025, from <https://www.glfc.org/pubs/annualreports/1956.pdf>
- GLFC (Great Lakes Fishery Commission). (2007). A joint strategic plan for management of Great Lakes fisheries (adopted in 1997 and supersedes 1981 original). *Great Lakes Fish. Comm. Misc. Publ.* 2007-01.
- Lamsa, A. K., Rovainen, C. M., Kolenosky, D. P., & Hanson, L. H. (1980). Sea lamprey (*Petromyzon marinus*) control—where to from here? Report of the SLIS control theory task force. *Canadian Journal of Fisheries and Aquatic Sciences* 37(11), 2175–2192. <https://doi.org/10.1139/f80-260>
- Larson, G. L., Christie, G. C., Johnson, D. A., Koonce, J. F., Mullett, K. M., & Sullivan, W. P. (2003). The history of sea lamprey control in Lake Ontario and updated estimates of suppression targets. *Journal of Great Lakes Research* 29, 637–654.
[https://doi.org/10.1016/S0380-1330\(03\)70521-8](https://doi.org/10.1016/S0380-1330(03)70521-8)
- Lavis, D. S., Hallett, A., Koon, E. M., and McAuley, T. C. (2003). History of and advances in barriers as an alternative method to suppress sea lampreys in the Great Lakes. *Journal of Great Lakes Research* 29, 362–372.
[https://doi.org/10.1016/S0380-1330\(03\)70500-0](https://doi.org/10.1016/S0380-1330(03)70500-0)
- Looney, W. F. 1955. Statement of Warren F. Looney, Acting Special Assistant for Fisheries and Wildlife to the Under Secretary of State. In *Great Lakes fisheries convention*. Hearing before a Subcommittee of the Committee on Foreign Relations. U.S. Senate, 84th Congress, 1st Session, April 27, 1955. U.S. Government Printing Office, Washington, D.C.
- MacDougall, F.A. 1956. Letter from F. A. MacDougall, Deputy Minister to the Honourable Clare E. Mapledoram, Minister, re: Dominion-Washington Fisheries Treaty, April 26, 1956. Archives of Ontario, Department of Lands and Forests, Minister's file [Clare E. Mapledoram], 1951–1956, RG3-23, File 159-G, Barcode B292-058, Toronto.
- Marcy-Quay, B., Lewandoski, S. A., Booth, R. M., Connerton, M. J., Jubar, A. K., Legard, C. D., ... & Johnson, N. S. (2025). Sea Lamprey control reduction during the COVID-19 pandemic corresponds to rapid increase in Sea Lamprey abundance. *Fisheries*, vuaf020. <https://doi.org/10.1093/fshmag/vuaf020>
- Miehls, S., Sullivan, P., Twohey, M., Barber, J., & McDonald, R. (2020). The future of barriers and trapping methods in the sea lamprey (*Petromyzon marinus*) control program in the Laurentian Great Lakes. *Reviews in Fish Biology and Fisheries* 30(1):1–24. [https://doi.org/10.1007/s11160-019-09587-7\(0123456789\(\),-volV\)\(01234567](https://doi.org/10.1007/s11160-019-09587-7(0123456789(),-volV)(01234567)
- Morse, T. J., Ebener, M. P., Koon, E. M., Morkert, S. B., Johnson, D. A., Cuddy, D. W., ... & Genovese, J. H. (2003). A case history of sea lamprey control in Lake Huron: 1979 to 1999. *Journal of Great Lakes Research* 29, 599–614.
[https://doi.org/10.1016/S0380-1330\(03\)70519-X](https://doi.org/10.1016/S0380-1330(03)70519-X)

- Robinson, K. F., Miehs, S. M., and Siefkes, M. J. 2021. Understanding sea lamprey abundances in the Great Lakes prior to broad implementation of sea lamprey control. *Journal of Great Lakes Research* 47:S328–S334.
- Schleen, L. P., Christie, G. C., Heinrich, J. W., Bergstedt, R. A., Young, R. J., Morse, T. J., ... & Ebener, M. P. (2003). Development and implementation of an integrated program for control of sea lampreys in the St. Marys River. *Journal of Great Lakes Research* 29:677–693. [https://doi.org/10.1016/S0380-1330\(03\)70523-1](https://doi.org/10.1016/S0380-1330(03)70523-1)
- SCMF (Standing Committee on Marine and Fisheries). 1955. Bill 279: an act to implement a convention on Great Lakes fisheries between Canada and the United States. Standing Committee on Marine and Fisheries, House of Commons, 22nd Parliament, 2nd Session, May 13 and 16, 1955. Queen's Printer and Controller of Stationary, Ottawa.
- Siefkes, M. J. (2017). Use of physiological knowledge to control the invasive sea lamprey (*Petromyzon marinus*) in the Laurentian Great Lakes. *Conservation Physiology* 5(1)m :cox031. <https://doi.org/10.1093/conphys/cox031>
- Siefkes, M. J., Steeves, T. B., Sullivan, W. P., Twohey, M. B., & Li, W. 2013. Sea lamprey control: past, present, and future. *Great Lakes fisheries policy and management: a binational perspective*. Michigan State University Press, East Lansing. 651-704.
- Smith, B. R., & Tibbles, J. J. (1980). Sea lamprey (*Petromyzon marinus*) in Lakes Huron, Michigan, and Superior: history of invasion and control, 1936–78. *Canadian Journal of Fisheries and Aquatic Sciences* 37(11), 1780–1801. <https://doi.org/10.1139/f80-222>
- Sullivan, W. P., Christie, G. C., Cornelius, F. C., Fodale, M. F., Johnson, D. A., Koonce, J. F., ... & Ryan, P. A. (2003). The sea lamprey in Lake Erie: a case history. *Journal of Great Lakes Research* 29, 615–636. [https://doi.org/10.1016/S0380-1330\(03\)70520-6](https://doi.org/10.1016/S0380-1330(03)70520-6)
- Swink, W.D. (2003). Host selection and lethality of attacks by sea lampreys (*Petromyzon marinus*) in laboratory studies. *Journal of Great Lakes Research* 29, 307–319. [https://doi.org/10.1016/S0380-1330\(03\)70496-1](https://doi.org/10.1016/S0380-1330(03)70496-1)
- U.S. Senate (Committee on Foreign Relations, Subcommittee). 1955. Great Lakes fisheries convention (84th Congress, 1st Session, April 27, 1955).
- Wakeham, W., and Rathbun, R. 1897. Report of the Joint Commission relative to the preservation of the fisheries in waters contiguous to Canada and the United States (submitted December 31, 1896). Ottawa.
- Wingfield, J., Brant, C., Eshenroder, R., Gaden, M., Miehs, A., & Siefkes, M. (2021). 100 years of sea lampreys above Niagara Falls: a reflection on what happened and what we learned. *Journal of Great Lakes Research* 47(6), 1844–1848. <https://doi.org/10.1016/j.jglr.2021.10.013>
- Zielinski, D. P., McLaughlin, R., Castro-Santos, T., Paudel, B., Hrodey, P., & Muir, A. (2019). Alternative sea lamprey barrier technologies: history as a control tool. *Reviews in Fisheries Science & Aquaculture* 27(4)m 438–457. <https://doi.org/10.1080/23308249.2019.1625300>

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