

DIVISION IV
FISHING AND CONSERVATION
OF THE LIVING RESOURCES OF THE SEA

Sub-Divisiou A. Multilateral Treaties

1. CONVENTION¹ FOR THE REGULATION OF THE MESHES OF FISHING NETS AND THE SIZE LIMITS OF FISH. SIGNED AT LONDON, ON 5 APRIL 1946, AS AMENDED²

PART I. EXTENT OF THE CONVENTION

Article 1

The area to which this Convention applies shall be all waters which are situated within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

Article 2

Nothing in the present Convention shall be deemed to diminish the exclusive rights of vessels registered or owned in the territory of each Contracting Government to fish in waters where that Contracting Government has exclusive jurisdiction over fisheries.

Article 3

Nothing in this Convention shall be deemed to prejudice the claims of any Contracting Government in regard to the limits of territorial waters.

¹ United Nations, *Treaty Series*, vol. 231, p. 199. Came into force on 5 April 1953. Parties to the Convention: Belgium, Denmark, France, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden. Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland. In accordance with article 15, the Convention came into force in respect of the Federal Republic of Germany on 11 June 1954 by deposit of the instrument of accession.

² Most recently, at the Eleventh Meeting of the Permanent Commission held in London from 8 to 10 May 1963. See United Nations, *Treaty Series*, vol. 482, p. 372.

PART II. REGULATION OF THE MESHES OF FISHING NETS AND THE
SIZE LIMITS OF FISH

Article 4

Subject to the provisions of Articles 8, 10 and 16(2), the provisions of this Convention shall apply to all vessels of any Contracting Government either when they are operating in the waters where that Contracting Government has exclusive jurisdiction over fisheries, or when they are operating outside such waters.

Article 5

No vessel shall carry on board or use any trawl, seine, or other net towed or hauled at or near the bottom of the sea, which has in any part of the net meshes of dimensions less than those specified in Annex I to this Convention.

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Article 6

Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, sand eels (*Ammodytes*) Norway pout (*Gadus esmarkii*), smelts, eels, great weeviers (*Trachinus draco*), shrimps, prawns, nephrops or molluscs, may carry on board and use nets having meshes of dimensions less than those so specified: provided that (a) any fishing instruments used by such vessels for the capture of any of the fish described in this Article shall not be used for the purpose of capturing other kinds of fish; and (b) any fish in excess of the percentages set out in Annex III to this Convention, of the species set out in Annex II to this Convention, which may be captured by such instruments and which are of less than the minimum sizes prescribed in Annex II to this Convention shall be returned to the sea immediately after capture.

and (c) provided that in the period from 1st June, 1963 to 1st June, 1966, no nets having in the cod-end meshes of dimensions between 50 mm (irrespective of material used) and the minimum sizes specified in Annex I shall be carried or used by vessels in the waters of that part of the Convention area defined in that paragraph, except—

- (i) those waters to the south and west of the following lines: a line drawn due west from the Mull of Galloway along 54° 38' north latitude, and a line drawn from France to England along 2° west longitude;
- (ii) those waters east of a line drawn from Hanstholm to Lindesnes.

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Article 7

(1) No vessel while operating shall use any device by means of which the mesh in any part of a fishing net to which Article 5 of this Convention applies is obstructed or otherwise in effect diminished.

Notwithstanding the provisions of the foregoing paragraph it shall not be deemed unlawful:

- (i) to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear to tear;

and as from 1st January, 1959, and until 1st June, 1965, and only for trawl nets with a mesh of 100 mm. or more:

(ii) to attach a rectangular piece of netting to the upper side of the cod-end of a trawl net to reduce and prevent damage so long as such netting conforms to the following conditions:

- (a) this netting shall not have a mesh size less than that specified for the net itself;
- (b) the netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting strop no more than four meshes and ends not less than four meshes in front of the cod-line mesh; where a splitting strop is not used the netting shall not extend to more than one-third of the cod-end measured from not less than four meshes in front of the cod-line mesh;
- (c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of that part of the cod-end which is covered, both widths being taken at right angles to the long axis of the cod-end.

Article 8

Subject to the provisions of Annex III to this Convention, no vessel shall retain on board any sea fish of the descriptions set out in Annex II to this Convention, of a less size than the size prescribed therein for each fish, and all such fish shall be returned immediately to the sea; provided that they may be retained on board for the purpose of transplantation to other fishing grounds.

Article 9

Subject to the provisions of Annex III to this Convention, each Contracting Government undertakes to prohibit by regulations the landing, sale, exposure or offer for sale, in its territories of any sea fish of the descriptions set out in Annex II to this Convention which are of a less size than the size prescribed therein for each fish and have been caught in the waters defined in Article 1 of this Convention, whether such fish are whole or have had their heads or any other part removed.

Article 10

The provisions of this Convention shall not apply to fishing operations conducted for the purposes of scientific investigation, or to fish taken in the course of such operations, but fish so taken shall not be sold, or exposed or offered for sale in contravention of the provisions of Article 9.

Article 11

The Contracting Governments agree to take, in their territories and in regard to their vessels, to which this Convention applies, appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions of the said provisions.

PART III. CONSTITUTION OF PERMANENT COMMISSION

Article 12

(1) The Contracting Governments undertake to set up a permanent Commission to which each of them shall appoint one or if they so desire two delegates.

(2) The Commission shall elect its own President either from among the delegates or from independent nominees. If a delegate has been elected President he shall forthwith cease to be the delegate of his Government and that Government shall have the right to appoint another person to serve as its delegate.

(3) The Commission shall draw up its own rules of procedure including provisions for the term of office of the President and the election of subsequent Presidents and such rules may be altered or amended from time to time by a majority of the delegates of Contracting Governments who are present and vote. Only in the case of an even division of votes on any such matter shall the President have a casting vote and it shall be decisive.

(4) For the purpose of voting on all matters within the scope of this article each Contracting Government shall possess one vote, whether it has appointed one delegate or two, but the vote may be exercised by either delegate.

(5) It shall be the duty of this Commission to consider whether the provisions of this Convention should be extended or altered. For this purpose the Commission shall where practicable consult the International Council for the Exploration of the Sea.

(6) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to call the first meeting of this Commission in the United Kingdom within two years from the coming into force of this Convention, and to call subsequent meetings at the request of the President at such time and in such places as the Commission shall decide.

(7) There shall be a meeting of the Commission not less than once in every three years.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to communicate the agenda for the first meeting to all other Contracting Governments not less than one month before the date of the meeting.

(9) Reports of the proceedings of the Commission shall be transmitted by the President of the Commission to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall in turn communicate them to all the Governments which have ratified or acceded to this Convention.

(10) The Contracting Governments undertake to give effect to any recommendation of the Commission for the extension or alteration of this Convention which has been carried unanimously at a meeting of the Commission and accepted by all Contracting Governments not represented at the meeting.

Article 13

(1) For the purposes of this Convention the expression "vessel" means:
(a) any vessel or boat employed in fishing for sea fish or in the treatment of sea fish; or

(b) any vessel or boat used partly or wholly for the purposes of the transport of sea fish registered or owned in the territories of any Contracting Government.

(2) The expression "territories" denotes in relation to any Contracting Government:

- (a) its metropolitan territory;
- (b) any territory in respect of which action has been taken by the Contracting Government under Article 16; and
- (c) the waters where the Contracting Government has exclusive jurisdiction over fisheries.

Article 14

This Convention shall be ratified as soon as possible and shall come into force two months after the deposit of instruments of ratification by all the Governments which have signed the Convention, or upon such earlier date as may be agreed between any Governments which may ratify or accede to it under Article 15 in respect of those Governments.

Article 15

(1) Any Government (other than the Government of a territory to which Article 16 applies) which has not signed this Convention may accede thereto at any time after it has come into force in accordance with Article 14. Accession shall be affected by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect immediately after the date of its receipt.

(2) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of all accessions received and the date of their receipt.

...

ANNEX I

(1) The minimum size of mesh for nets referred to in Article 5 of this Convention shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 2 mm. thick of the appropriate width shall pass through it easily when the net is wet.

(2) The appropriate width of gauge in relation to any net shall be

- (a) until 31st May, 1964 that shown in Table I and
- (b) as from 1st June, 1964 that shown in Table II.

Table I

<i>Part of Convention Area</i>	<i>Type of Net</i>	<i>Appropriate Width of Gauge</i>
(1) Icelandic waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude.	Seine net or such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres.	100 mm.
	Such part of any trawl net as is made of any other material.	110 mm.
(2) Waters situated north of 66 degrees north latitude and east of the meridian of Greenwich.	Seine net.	100 mm.
	Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres.	110 mm.
	Such part of any trawl net as is made of any other material.	120 mm.
(3) Other waters.	Seine net or such part of any trawl net as is made of single twine and contains no manila or sisal.	70 mm.
	Such part of any trawl net as is made of double twine or of manila or sisal.	75 mm.

Table II

<i>Part of Convention Area</i>	<i>Type of Net</i>	<i>Appropriate Width of Gauge</i>
(1) Waters north of a line drawn from the coast of Norway along latitude 66 degrees north to the meridian 10 degrees west, thence south to latitude 62 degrees north; thence west to the meridian of 28 degrees west, thence south to latitude 59 degrees north and thence west.	Seine net.	100 mm.
	Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres.	110 mm.
	Such part of any trawl net as is made of any other material.	120 mm.
(2) Other waters.	Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal.	70 mm.
	Such part of any trawl net as is made of double twine and contains no manila or sisal.	75 mm.
	Such part of any trawl net as is made of manila or sisal.	80 mm.

ANNEX II

The fish to which Articles 6, 8 and 9 of this Convention apply and the sizes below which such fish may not be retained on board, landed, or sold and exposed or offered for sale are as follows:

<i>Fish</i>	<i>Size limit for whole Fish measured from tip of snout to extreme end of tail fin</i>
<i>Fish</i>	<i>Cm.</i>
Cod (<i>Gadus callarias</i>)	30
Haddock (<i>Gadus aeglefinus</i>)	27
Hake (<i>Merluccius merluccius</i>)	30
Plaice (<i>Pleuronectes platessa</i>)	25
Witches (<i>Glyptocephalus cynoglossus</i>)	28
Lemon soles (<i>Microstomus kitt</i>)	25
Soles (<i>Solea solea</i>)	24
Turbot (<i>Scophthalmus maximus</i>)	30
Brill (<i>Scophthalmus rhombus</i>)	30
Megrims (<i>Lepidorhombus whiff</i>)	25
Whittings (<i>Gadus merlangus</i>)	23
Dabs (<i>Pleuronectes limanda</i>)	20

“provided that in any waters in which at any time a minimum size of mesh of nets of 110 mm. is specified the sizes below which cod and haddock may not be retained on board or landed shall be 34 cm. and 31 cm. respectively.”

ANNEX III

Until 1st June 1966, in the fisheries set out in Article 6 of this Convention, 10 per cent by weight of each total landing or part thereof which is not intended for human consumption in the form of fish, may consist of undersized fish of the species set out in Annex II to this Convention.

2. INTERNATIONAL CONVENTION¹ FOR THE REGULATION OF WHALING, SIGNED AT WASHINGTON, ON 2 DECEMBER 1946, AS AMENDED BY PROTOCOL² SIGNED AT WASHINGTON, ON 19 NOVEMBER 1956

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

¹ United Nations, *Treaty Series*, vol. 161, p. 72. Came into force on 10 November 1948. Parties to the Convention: Argentina, Australia, Brazil, Canada, Chile, Denmark, France, Iceland, Japan, Mexico, Netherlands, New Zealand, Norway, Panama, South Africa, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America. Schedule of the Convention has been several times amended (see *infra* note relating to article V).

² United Nations, *Treaty Series*, vol. 338, p. 366. The parties to the Protocol are the same as those to the Convention. See *supra* note 1.

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937¹ and the protocols to that Agreement signed in London on June 24, 1938² and November 26, 1945;³ and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3.⁴ "whale catcher" means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

¹ League of Nations, *Treaty Series*, vol. CXC, p. 79; United Nations, *Treaty Series*, vol. 32, p. 404, and vol. 91, p. 388

² League of Nations, *Treaty Series*, vol. CXCVI, p. 131; United Nations, *Treaty Series*, vol. 32, p. 405, and vol. 92, p. 435.

³ United Nations, *Treaty Series*, vol. 11, p. 43, and vol. 32, p. 396.

⁴ The words "a helicopter, or other aircraft, or" added by Protocol of 19 November 1956.

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Article III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Article IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau

for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Article V¹

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; (h) catch returns and other statistical and biological biological records; (i)² and methods of inspection.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

¹ In accordance with article V, the Schedule has been amended several times, most recently at the fourteenth meeting of the International Whaling Commission held at London, 6 July 1962. United Nations, *Treaty Series*, vol. 495, p. 254.

² The provision under (i) added by Protocol of 19 November 1956.

Article VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

3. INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES. DONE IN WASHINGTON ON 8 FEBRUARY 1949¹

Article I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence due south to 39° 00' north latitude; thence due east to 42° 00' west longitude; thence due north to 59° 00' north latitude; thence due west to 44° 00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southward to a point in 75° 00' north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° 00' north latitude and 59° 00' west longitude; thence due south to 61° 00' north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coasts of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and a southerly direction along the coast of Labrador to the southern terminus of its in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

Article II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

¹ United Nations, *Treaty Series*, vol. 157, p. 157. Came into force on 3 July 1950. Parties: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

Article III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

Article IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by their Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flatfishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

Article V

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

Article VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1(b) of this Article.

Article VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.
2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.
3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.
4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-area defined in the Annex.
5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.
6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

Article VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depository Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures;
 - (a) establishing open and closed seasons;
 - (b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;
 - (c) establishing size limits for any species;
 - (d) prescribing the fishing gear and appliances the use of which is prohibited;
 - (e) prescribing an over-all catch limit for any species of fish.
2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either
 - (a) transmit the recommendation as a proposal to the Depository Government with such modifications or suggestions as the Commission may consider desirable, or
 - (b) refer the recommendation back to the Panel with comments for its reconsideration.
3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.
4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depository Government with a report of the Commission's decision. The Depository Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.
5. The Commission may, after consultation with all the Panels, transmit

proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

Article IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

Article X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

Article XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI, or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

Article XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

Article XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the

Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

Article XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

...

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75° 00' north latitude and 73° 30' west longitude to a point in 69° 00' north latitude and 59° 00' west longitude; east of 59° 00' west longitude; and to the north and east of a rhumb line from a point in 61° 00' north latitude and 59° 00' west longitude to a point in 52° 15' north latitude and 42° 00' west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52° 15' north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52° 15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52° 15' north latitude; to the north of the parallel of 39° 00' north latitude; and to the east and north of a rhumb line extending in a north-westerly direction which passes through a point in 43° 30' north latitude, 55° 00' west longitude, in the direction of a point in 47° 50' north latitude, 60° 00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a north-easterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44° 46' 35.34" north latitude, 66° 54' 11.23" west longitude; thence due south to the parallel of 43° 50' north latitude; thence due west to the meridian of 67° 40' west longitude; thence due south to the parallel of 42° 20' north latitude; thence due east to a point in 66° 00' west longitude; thence along a rhumb line in a south-easterly direction to a point in 42° 00' north latitude, 65° 40' west longitude; thence due south to the parallel of 39° 00' north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) Sub-area 1—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) Sub-area 2—Denmark, France, Italy, Newfoundland;

(c) Sub-area 3—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) Sub-area 4—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) Sub-area 5—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depository Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depository Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

4. AGREEMENT¹ CONCERNING MEASURES FOR THE PROTECTION OF THE STOCK OF DEEP SEA PRAWNS (*PANDALUS BOREALIS*), EUROPEAN LOBSTERS (*HOMARUS VULGARIS*), NORWAY LOBSTERS (*NEPHROPS NORVEGICUS*) AND CRABS (*CANCER PAGURUS*). SIGNED AT OSLO, ON 7 MARCH 1952, AS AMENDED BY PROTOCOL² AMENDING ARTICLE 4 OF THE AGREEMENT, SIGNED AT OSLO, ON 14 OCTOBER 1959

The Governments of Denmark, Norway and Sweden, being desirous of concluding an agreement relating to measures for the protection of stocks of deep-sea prawns (*Pandalus borealis*), European lobsters (*Homarus vulgaris*), Norway lobsters (*Nephrops norvegicus*) and crabs (*Cancer pagurus*), have agreed as follows:

Article 1

The area to which this Agreement applies shall include all waters bounded on the west by a line from Lindesnes light to Hanstholm light and on the east by the 13th meridian east of Greenwich.

Article 2

No vessel may use or have on board any prawn trawl which does not comply with the provisions of article 3 of this Agreement.

Article 3

The minimum size of the mesh of a prawn trawl shall be such that a flat measure 30 mm. wide and 2 mm. thick can be easily passed between the meshes when the trawl is wet and spread out lengthwise.

Article 4

No vessel shall keep on board any Norway lobsters (*Nephrops norvegicus*) under 13 cm. in length measured from the tip of the frontal horn to the anterior fixed side of the middle swimming appendage.

Article 5

The provisions of this Agreement shall not apply to fishery research conducted by, or with the consent of, the public authorities.

Article 6

The Contracting Governments agree to take such action and make such regulations as are necessary to give effect to the provisions of this Agreement, including the provisions which prohibit the landing or selling in their territories of Norway lobsters under the prescribed minimum size.

¹ United Nations, *Treaty Series*, vol. 175, p. 208. Came into force on 26 January 1953.

² *Ibid.*, vol. 427, p. 366. Came into force on 14 October 1959.

Article 7

A commission shall be set up consisting of two representatives (one representative for scientific research in fishing and one for the fishing industry) from each of the Contracting Parties. The purpose of the commission shall be to attempt to co-ordinate the scientific and practical research conducted by the various countries with regard to stocks of prawns, European lobsters, Norway lobsters and crabs in the area to which the Agreement applies. The commission shall also, on the basis of available information, consider whether there are grounds for modifying existing measures for the protection of stocks of the aforementioned shell-fish or for introducing other measures, and, as the circumstances require, shall make appropriate recommendations to the Contracting Governments. The commission shall itself determine its procedure and when it shall meet. The first meeting of the commission shall be called by the Norwegian Government.

5. CONVENTION¹ FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN, SIGNED AT TOKYO, ON 9 MAY 1952, AS AMENDED² ON 17 NOVEMBER 1962

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coast of Canada and the United States of America, exclusive of the Bering Sea, in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted, exclusive of the waters of the high seas north of 51° 56' North Latitude and west of the Queen Charlotte Islands and west of a line drawn between Langara Point on Langara Island, Queen Charlotte Islands, and Cape Muzon on Dall Island in Southeast Alaska.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

¹ United Nations, *Treaty Series*, vol. 205, p. 65. The text of the Convention as reproduced in ST/LEG/SER.B/8, pp. 57-63, except the Annex (reproduced above) remains unchanged. Parties to the Convention: Canada, Japan and United States of America.

² Text of the amendment provided by the Permanent Mission of the United States of America to the United Nations.

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168° 58' 22.59" West Longitude; thence due south to a point 65° 15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

6. INTERIM CONVENTION¹ BETWEEN CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED STATES OF AMERICA ON NORTH PACIFIC FUR SEALS. SIGNED AT WASHINGTON, ON 9 FEBRUARY 1957, AS AMENDED BY THE PROTOCOL² OF 8 OCTOBER 1963

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives, Agree as follows:

Article I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

¹ United Nations, *Treaty Series*, vol. 314, p. 105. Entered into force on 14 October 1957. The Provisional Fur Seal Agreement, between Canada and the United States of America, reproduced in ST/LEG/SER.B/1, pp. 222-224, has been replaced.

² United Nations, *Treaty Series*, vol. 494, p. 303. Entered into force on 10 April 1964.

Article II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear;

(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

(h) quality of sealskins by sex, age, and time and method of sealing; and

(i) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and

(c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

Article III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

Article IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

Article V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI.

3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the numbers of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

Article VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition

of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

Article VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

Article VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those

taken at sea for research purposes in accordance with Article II, paragraph 3, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

Article IX

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist Republics	to Canada	15 per cent
	to Japan	15 per cent
By the United States of America	to Canada	15 per cent
	to Japan	15 per cent

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years.

Article X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

Article XI

The Parties agree to meet early in the twelfth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2 (e), and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

Article XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5, or any other obligation undertaken by the Parties are not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature

of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

Article XIII

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for twelve years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of twelve years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the twelfth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

7. CONVENTION¹ ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS. DONE AT GENEVA, ON 29 APRIL 1958

The States Parties to this Convention,

Considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being over-exploited,

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned,

¹ United Nations, *Treaty Series*, vol. 559, p. 285. Came into force on 20 March 1966. Parties to the Convention: Australia, Cambodia, Colombia, Denmark, Dominican Republic, Finland, Haiti, Jamaica, Kenya, Madagascar, Malawi, Malaysia, Mexico, Netherlands, Nigeria, Portugal, Senegal, Sierra Leone, South Africa, Switzerland, Thailand, Trinidad and Tobago, Uganda, United Kingdom, United States of America, Upper Volta, Venezuela, Yugoslavia.

Have agreed as follows:

Article 1

1. All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

Article 2

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply to food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

Article 3

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

Article 4

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by article 9.

Article 5

1. If, subsequent to the adoption of the measures referred to in articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any State specified by the State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties

may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

Article 6

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.
2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.
3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.
4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.
5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9.

Article 7

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.
2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:
 - (a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
 - (b) That the measures adopted are based on appropriate scientific findings;
 - (c) That such measures do not discriminate in form or in fact against foreign fishermen.
3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.
4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.
5. The principles of geographical demarcation as defined in article 12 of the

Convention on the Territorial Sea and the Contiguous Zone¹ shall be adopted when coasts of different States are involved.

Article 8

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by article 9.

Article 9

1. Any dispute which may arise between States under articles 4, 5, 6, 7 and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.

2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any State party, be named by the Secretary-General of the United Nations, within a further three-month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of States not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission, but without the right to vote or to take part in the writing of the commission's decision.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its decisions, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.

7. Decisions of the commission shall be by majority vote.

¹ *Supra* DIVISION I, SUB-DIVISION A, 3.

Article 10

1. The special commission shall, in disputes arising under article 7, apply the criteria listed in paragraph 2 of that article. In disputes under articles 4, 5, 6 and 8, the commission shall apply the following criteria, according to the issues involved in the dispute:

(a) Common to the determination of disputes arising under articles 4, 5 and 6 are the requirements:

- (i) That scientific findings demonstrate the necessity of conservation measures;
- (ii) That the specific measures are based on scientific findings and are practicable; and
- (iii) That the measures do not discriminate, in form or in fact, against fishermen of other States;

(b) Applicable to the determination of disputes arising under article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation programme is adequate, as the case may be.

2. The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under article 7, the measures shall only be suspended when it is apparent to the commission on the basis of *prima facie* evidence that the need for the urgent application of such measures does not exist.

Article 11

The decisions of the special commission shall be binding on the States concerned and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

Article 12

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of the States concerned may request the other States to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the States concerned may again resort to the procedure contemplated by article 9 provided that at least two years have elapsed from the original award.

Article 13

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a State may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

Article 14

In articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews.

Article 15

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 17

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 15. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 19

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 6, 7, 9, 10, 11 and 12.

2. Any contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 20

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any contracting party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 21

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 15:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 15, 16 and 17;
- (b) Of the date on which this Convention will come into force, in accordance with article 18;
- (c) Of requests for revision in accordance with article 20;
- (d) Of reservations to this Convention, in accordance with article 19.

Article 22

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 15.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

8. NORTH-EAST ATLANTIC FISHERIES CONVENTION.¹ SIGNED AT LONDON ON 24 JANUARY 1959

Article 1

(1) The area to which this Convention applies (hereinafter referred to as "the Convention area") shall be all waters which are situated

(a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding

- (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and
- (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5° 36' west longitude.

(b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

¹ United Nations, *Treaty Series*, vol. 486, No. 7078. Came into force on 27 June 1963. Parties to the Convention: Belgium, Denmark, Federal Republic of Germany, France, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom.

(2) The Convention area shall be divided into regions, the boundaries of which shall be those defined in the Annex to this Convention. The regions shall be subject to such alterations as may be made in accordance with the provisions of paragraph (4) of Article 5 of this Convention.

(3) For the purposes of this Convention

(a) the expression "vessel" means any vessel or boat employed in fishing for sea fish or in the treatment of sea fish which is registered or owned in the territories of, or which flies the flag of, any Contracting State; and

(b) the expression "territories," in relation to any Contracting State, extends to

(i) any territory within or adjacent to the Convention area for whose international relations the Contracting State is responsible;

(ii) any other territory, not situated within the Convention area or adjacent to it, for whose international relations the Contracting State is responsible and for which such State shall have made known, by written declaration to the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom), either at the time of signature, of ratification, or of adherence, or subsequently, that this Convention shall apply to it;

(iii) the waters within the Convention area where the Contracting State has exclusive jurisdiction over fisheries.

Article 2

Nothing in this Convention shall be deemed to affect the rights, claims, or views of any Contracting State in regard to the extent of jurisdiction over fisheries.

Article 3

(1) A North-East Atlantic Fisheries Commission (hereinafter referred to as the Commission) is hereby established and shall be maintained for the purposes of this Convention.

...

Article 5

(1) The Commission shall establish a Regional Committee, with the powers and duties described in Article 6 of this Convention, for each of the regions into which the Convention area is divided.

...

Article 6

(1) It shall be the duty of the Commission:—

(a) to keep under review the fisheries in the Convention area;

(b) to consider, in the light of the technical information available, what measures may be required for the conservation of the fish stocks and for the rational exploitation of the fisheries in the area;

(c) to consider, at the request of any Contracting State, representations made to it by a State which is not a party to this Convention for the opening of negotiations on the conservation of fish stocks in the Convention area or any part thereof; and

(d) to make to Contracting States recommendations, based as far as practicable on the results of scientific research and investigation, with regard to any of the measures set out in Article 7 of this Convention.

(2) It shall be the duty of a Regional Committee to perform, in relation to its Region, functions of review and consideration similar to those described in paragraph (1) of this Article in relation to the Commission and the Convention area. A Regional Committee may initiate proposals for measures in relation to its region and shall consider any such proposals as may be remitted to it by the Commission.

...

Article 7

(1) The measures relating to the objectives and purposes of this Convention which the Commission and Regional Committees may consider, and on which the Commission may make recommendations to the Contracting States, are

- (a) any measures for the regulation of the size of mesh of fishing nets;
- (b) any measures for the regulation of the size limits of fish that may be retained on board vessels, or landed, or exposed or offered for sale;
- (c) any measures for the establishment of closed seasons;
- (d) any measures for the establishment of closed areas;
- (e) any measures for the regulation of fishing gear and appliances, other than regulation of the size of mesh of fishing nets;
- (f) any measures for the improvement and the increase of marine resources, which may include artificial propagation, the transplantation of organisms and the transplantation of young.

(2) Measures for regulating the amount of total catch, or the amount of fishing effort in any period, or any other kinds of measures for the purpose of the conservation of the fish stocks in the Convention area, may be added to the measures listed in paragraph (1) of this Article on a proposal adopted by not less than a two-thirds majority of the Delegations present and voting and subsequently accepted by all Contracting States in accordance with their respective constitutional procedures.

(3) The measures provided for in paragraphs (1) and (2) of this Article may relate to any or all species of sea fish and shell fish, but not to sea mammals; to any or all methods of fishing; and to any or all parts of the Convention area.

Article 8

(1) Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article 7 of this Convention and adopted by not less than a two-thirds majority of the Delegations present and voting.

(2) Any Contracting State may, within ninety days of the date of notice of a recommendation to which paragraph (1) of this Article applies, object to it and in that event shall not be under obligation to give effect to the recommendation.

(3) In the event of an objection being made within the ninety-day period, any other Contracting State may similarly object at any time within a further period of sixty days, or within thirty days after receiving notice of an objection by another Contracting State made within the further period of sixty days.

(4) If objections to a recommendation are made by three or more of the Contracting States, all the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation but any or all of them may nevertheless agree among themselves to give effect to it.

(5) Any Contracting State which has objected to a recommendation may at any time withdraw that objection and shall then, subject to the provisions of paragraph (4) of this Article, give effect to the recommendation within ninety days, or as from the date determined by the Commission under Article 9 of this Convention, whichever is the later.

(6) The Commission shall notify each Contracting State immediately upon receipt of each objection and withdrawal.

Article 9

Any recommendation to which paragraph (1) of Article 8 of this Convention applies shall, subject to the provisions of that Article, become binding on the Contracting States from the date determined by the Commission, which shall not be before the period for objection provided in Article 8 has elapsed.

Article 10

(1) At any time after two years from the date on which it has been required to give effect to any recommendation to which paragraph (1) of Article 8 of this Convention applies, any Contracting State may give the Commission notice of the termination of its acceptance of the recommendation and, if that notice is not withdrawn, the recommendation shall cease to be binding on that Contracting State at the end of twelve months from the date of the notice.

(2) At any time after a recommendation has ceased to be binding on a Contracting State under paragraph (1) of this Article, the recommendation shall cease to be binding on any other Contracting State which so desires upon the date of notice to the Commission of withdrawal of acceptance of that recommendation by such other State.

(3) The Commission shall notify all Contracting States of every notice under this Article immediately upon the receipt thereof.

Article 11

(1) In order that the recommendations made by the Commission for the conservation of the stocks of fish within the Convention area shall be based so far as practicable upon the results of scientific research and investigation, the Commission shall when possible seek the advice of the International Council for the Exploration of the Sea and the co-operation of the Council in carrying out any necessary investigations and, for this purpose, may make such joint arrangements as may be agreed with the International Council for the Exploration of the Sea or may make such other arrangements as it may think fit.

(2) The Commission may seek to establish and maintain working arrangements with any other international organisation which has related objectives.

Article 12

(1) The Contracting States undertake to furnish on the request of the Commission any available statistical and biological information the Commission may need for the purposes of this Convention.

(2) The Commission may publish or otherwise disseminate reports of its activities and such other information relating to the fisheries in the Convention area or any part of that area as it may deem appropriate.

Article 13

(1) Without prejudice to the sovereign rights of States in regard to their territorial and internal waters, each Contracting State shall take in its territories and in regard to its own nationals and its own vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding on that Contracting State and the punishment of infractions of the said provisions and recommendations.

(2) Each Contracting State shall transmit annually to the Commission a statement of the action taken by it for these purposes.

(3) The Commission may by a two-thirds majority make recommendations for, on the one hand, measures of national control in the territories of the Contracting States and, on the other hand, national and international measures of control on the high seas, for the purpose of ensuring the application of the Convention and the measures in force thereunder. Such recommendations shall be subject to the provisions of Articles 8, 9 and 10.

Article 14

The provisions of this Convention shall not apply to fishing operations conducted solely for the purpose of scientific investigation by vessels authorised by a Contracting State for that purpose, or to fish taken in the course of such operations, but in any of the territories of any Contracting State bound by a recommendation to which paragraph (1) of Article 8 applies, fish so taken shall not be sold or exposed or offered for sale in contravention of any such recommendation.

...

ANNEX

The regions provided for by Article 1 of this Convention shall be as follows:—

Region 1—The part of the Convention area bounded on the south by a line running from a point 59° north latitude 44° west longitude due east to the meridian of 42° west longitude; thence due south to the parallel of 48° north latitude; thence due east to the meridian of 18° west longitude; thence due north to the parallel of 60° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the parallel of 60° 30' north latitude; thence due east to the meridian of 4° west longitude; thence due north to the parallel of 62° north latitude; thence due east to the coast of Norway; thence north and east along the coast of Norway and along the coast of the Union of Soviet Socialist Republics as far as the meridian of 51° east longitude.

Region 2—The part of the Convention area not covered by Region 1 and north of 48° north latitude.

Region 3—The part of the Convention area between 36° and 48° north latitude.

9. DECLARATION¹ OF UNDERSTANDING REGARDING THE INTERNATIONAL CONVENTION² FOR THE NORTHWEST ATLANTIC FISHERIES. DONE AT WASHINGTON, 24 APRIL 1961

Article 1

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention is hereinafter referred to as the Convention, hereby declare their understanding that the words "fish", "fishes", "fishery", "fisheries", and "fishing" as they appear in the Convention include and apply to mollusks, as well as finny fish.

10. ARRANGEMENT FOR THE REGULATION OF ANTARCTIC PELAGIC WHALING. LONDON, 6 JUNE 1962

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, being Parties to the International Convention³ for the Regulation of Whaling, signed at Washington on December 2, 1946 (hereinafter referred to as "the Convention");

Have agreed upon the following Arrangements:

Article 1

For the purposes of the present Arrangements the term "season" shall mean the season during which the taking of baleen whales is permitted under paragraph 7(a) of the Schedule to the Convention.

Article 2

The present Arrangements shall be operative until the end of the 1965-66 season.

Article 3

The total annual catch authorised under the Convention shall be divided among the countries of the Contracting Governments in the following quotas:

Japan	33%
Netherlands	6%
Norway	32%
Union of Soviet Socialist Republics	20%
United Kingdom	9%

These quotas are not transferable except as provided in Article 5 hereof and in Articles 3 and 4 of the Supplementary Arrangements signed at London on this day's date.

¹ United Nations, *Treaty Series*, vol. 480, p. 334. Declaration entered into force on 5 June 1963. Parties: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom, United States of America.

² *Supra* 3.

³ *Supra* 2.

Article 4

None of the Contracting Governments shall permit any increase in the number of factory ships under its jurisdiction operating in the Antarctic except by purchase from the country of another Contracting Government of factory ships engaged at the time of purchase in Antarctic pelagic whaling, save that the Government of the Union of Soviet Socialist Republics may permit one additional factory ship to be added to the fleet operating during the 1960-61 whaling season.

Article 5

(1) None of the factory ships under the jurisdiction of any of the Contracting Governments shall be transferred to the jurisdiction of another Government which is a party to the Convention, unless a part of the quota of the transferor Government is allocated to the transferee Government and the latter agrees to accept the obligations of the present Arrangements, or unless the transferee country gives a satisfactory guarantee that the factory ship will not be used as such in Antarctic pelagic whaling during the period of the present Arrangements.

(2) The part of the quota of the transferor country to be allocated shall be settled between the two Governments concerned, provided that no such allocation shall result in any country with only one factory ship having a quota exceeding 6% of the total annual catch authorised under the Convention. The part of the quota allocated shall be notified by the two Governments concerned to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall notify the other signatory Governments.

Article 6

If a factory ship under the jurisdiction of a Government which is not a party to the present Arrangements should engage in Antarctic pelagic whaling otherwise than as a result of a transfer as provided under Article 5 above, and that Government is or becomes a Party to the Convention, the present Arrangements shall be terminated.

11. AGREEMENT OF 20 DECEMBER 1962 BETWEEN DENMARK, THE FEDERAL REPUBLIC OF GERMANY AND SWEDEN CONCERNING THE PROTECTION OF THE SALMON POPULATION IN THE BALTIC SEA **

The Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of Sweden, desiring to conclude an agreement concerning the protection of the salmon population (*Salmo salar*) in the Baltic Sea, have agreed as follows:

Article 1

The area to which this Agreement applies shall comprise the Baltic Sea, including the Gulf of Bothnia and the Gulf of Finland. This area shall be delimited with respect to the Öresund, the Store Baelt and the Lille Baelt by the following lines:

- (a) Falsterbo lighthouse – Stevn lighthouse
- (b) Jungshoved – Bøgenaessand
- (c) Hestehoved lighthouse – Maddes Klint
- (d) Skelby church – Flinthorne Odde
- (e) Kappel church – Gulstav
- (f) Ristingehale – Ærøhale
- (g) Skjoldnaes – Pøls Huk
- (h) Christian X bridge at Sønderborg.

Article 2

Nothing in this Agreement may be construed as restricting the exclusive right of vessels of a Contracting Party to fish in waters over which, as regards fisheries, that Contracting Party has exclusive jurisdiction.

Article 3

Nothing in this Agreement may be construed as restricting the claims of any Contracting Party in regard to the limits of its territorial sea.

Article 4

The provisions of this Agreement shall apply to all vessels of the Contracting Parties which are within or outside the waters over which, as regards fisheries, one of the Contracting Parties has exclusive jurisdiction.

Article 5

The Contracting Parties shall not, for the purposes of salmon fishing with nets or hooks, permit the use of tackle having measurements other than those prescribed below:

Seine nets for catching salmon must be so constructed that when the mesh is stretched diagonally lengthwise of the net a flat gauge two millimetres thick shall pass through it easily when the net is wet. The breadth of this gauge shall be 165 millimetres for seine nets made of natural fibres and 157 millimetres for seine nets made of synthetic fibres.

Seine nets already in use which have a mesh size less than 170 millimetres in the case of nets made of natural fibres or less than 160 millimetres in the case of nets made of synthetic fibres may continue to be used until they are worn out but not beyond five years from the date on which this Agreement comes into force.

The gap width of fish-hooks (the shortest distance between the tip of the hook and the shank) on travel-lines and fixed lines used for catching salmon shall be at least 19 millimetres. Fish-hooks already in use which have a gap width less than 19 millimetres may continue to be used but not beyond three years from the date on which this Agreement comes into force.

Article 6

No ship may retain on board any salmon caught in the water area specified in article 1 which do not measure at least 60 centimetres (measured from the tip of the snout to the end of the longest portion of the caudal fin). Such salmon must be returned immediately to the sea.

Article 7

Each of the Contracting Parties shall make regulations under which it shall be unlawful to land, offer, keep in stock for sale, put up for sale, sell, otherwise deal in or purchase for resale salmon which are not of the minimum length specified in article 6. This prohibition shall apply only to salmon which have been caught in the water area specified in article 1 of this Agreement.

Article 8

The provisions of this Agreement shall not apply to fishing which is carried out with a view to the preservation of fish stocks or for scientific purposes nor to the salmon caught in this connexion. Such salmon may be landed for scientific purposes; in all other respects, the provisions of article 7 shall apply.

Article 9

Each of the Contracting Parties shall make such regulations as are necessary to give effect to this Agreement. These regulations shall also apply to salmon fishing in waters over which, as regards fisheries, the Contracting Party has exclusive jurisdiction.

The Contracting Parties shall communicate to each other the texts of the regulations which are made to give effect to this Agreement.

Article 10

A Standing Committee shall be set up in which each Contracting Party shall be represented by one voting member. Each of the Contracting Parties may, in addition, appoint experts and advisers. The decisions of the Committee shall be taken by unanimous vote.

It shall be the function of the Committee to establish and co-ordinate technical contacts with international organizations, research institutions of the Contracting Parties and scientists with a view to fostering the development of salmon stocks in the Baltic Sea, fish-breeding methods and the rational exploitation of the salmon population. The Committee shall also, on the basis of available information, consider whether there are grounds for modifying or amending this Agreement and, if necessary, shall make appropriate recommendations to the Contracting Parties.

The Committee shall establish its own rules of procedure.

The Committee shall meet at the request of one of the Contracting Parties but in any case not less than once every three years.

The Government of the Kingdom of Sweden, as soon as possible after the entry into force of this Agreement, shall call the first meeting of the Committee.

Each Contracting Party shall bear the expenses of its representative, experts and advisers.

12. PROTOCOL¹ TO EXTEND THE PROVISIONS OF THE INTERNATIONAL CONVENTION² FOR THE NORTHWEST ATLANTIC FISHERIES, SIGNED AT WASHINGTON ON 8 FEBRUARY 1949, TO HARP AND HOOD SEALS. DONE AT WASHINGTON, ON 15 JULY 1963

Article I

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

Article II

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

Article III

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depositary Government from all the Contracting Governments participating in the Panel for harp and hood seals.

13. FISHERIES CONVENTION. DONE IN LONDON, ON 9 MARCH 1964³

Article 1

(1) Each Contracting Party recognizes the right of any other Contracting Party to establish the fishery régime described in Articles 2 to 6 of the present Convention.

¹ United Nations, *Treaty Series*, vol. 590, p. 292. Entered into force on 29 April 1966. Parties to the Protocol: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Spain, USSR, United Kingdom, United States of America.

² *Supra* 3 and 9.

³ United Nations, *Treaty Series*, vol. 581, p. 57. Parties to the Convention: Belgium, Denmark, Ireland, Italy, Portugal, Spain, Sweden and United Kingdom; entered into force on 15 March 1966.

(2) Each Contracting Party retains however the right to maintain the fishery régime which it applies at the date on which the present Convention is opened for signature, if this régime is more favourable to the fishing of other countries than the régime described in Articles 2 to 6.

Article 2

The coastal State has the exclusive right to fish and exclusive jurisdiction in matters of fisheries within the belt of six miles measured from the baseline of its territorial sea.

Article 3

Within the belt between six and twelve miles measured from the baseline of the territorial sea, the right to fish shall be exercised only by the coastal State and by such other Contracting Parties, the fishing vessels of which have habitually fished in that belt between 1st January, 1953 and 31st December, 1962.

Article 4

Fishing vessels of the Contracting Parties, other than the coastal State, permitted to fish under Article 3, shall not direct their fishing effort towards stocks of fish or fishing grounds substantially different from those which they have habitually exploited. The coastal State may enforce this rule.

Article 5

(1) Within the belt mentioned in Article 3 the coastal State has the power to regulate the fisheries and to enforce such regulations, including regulations to give effect to internationally agreed measures of conservation, provided that there shall be no discrimination in form or in fact against fishing vessels of other Contracting Parties fishing in conformity with Articles 3 and 4.

(2) Before issuing regulations, the coastal State shall inform the other Contracting Parties concerned and consult those Contracting Parties, if they so wish.

Article 6

Any straight baseline or bay closing line which a Contracting Party may draw shall be in accordance with the rules of general international law and in particular with the provisions of the Convention on the Territorial Sea and the Contiguous Zone opened for signature at Geneva on 29th April, 1958.

Article 7

Where the coasts of two Contracting Parties are opposite or adjacent to each other, neither of these Contracting Parties is entitled, failing agreement between them to the contrary, to establish a fisheries régime beyond the median line, every point of which is equidistant from the nearest points on the low water lines of the coasts of the Contracting Parties concerned.

Article 8

(1) Once a Contracting Party applies the régime described in Articles 2 to 6, any right to fish which it may thereafter grant to a State not a Contracting Party

shall extend automatically to the other Contracting Parties, whether or not they could claim this right by virtue of habitual fishing, to the extent that the State not a Contracting Party avails itself effectively and habitually of that right.

(2) If a Contracting Party which has established the régime described in Articles 2 to 6 should grant to another Contracting Party any right to fish which the latter cannot claim under Articles 3 and 4, the same right shall extend automatically to all other Contracting Parties.

Articles 9

(1) In order to allow fishermen of other Contracting Parties, who have habitually fished in the belt provided for in Article 2 to adapt themselves to their exclusion from that belt, a Contracting Party which establishes the régime provided for in Articles 2 to 6, shall grant to such fishermen the right to fish in that belt for a transitional period, to be determined by agreement between the Contracting Parties concerned.

(2) If a Contracting Party establishes the régime described in Articles 2 to 6, it may, notwithstanding the provisions of Article 2, continue to accord the right to fish in the whole or part of the belt provided for in Article 2 to other Contracting Parties of which the fishermen have habitually fished in the area by reason of voisinage arrangements.

Article 10

Nothing in the present Convention shall prevent the maintenance or establishment of a special régime in matters of fisheries:

- (a) as between States Members and Associated States of the European Economic Community,
- (b) as between States Members of the Benelux Economic Union,
- (c) as between Denmark, Norway and Sweden,
- (d) as between France and the United Kingdom of Great Britain and Northern Ireland in respect of Granville Bay and the Minquiers and the Ecrehos,
- (e) as between Spain, Portugal and their respective neighbouring countries in Africa,
- (f) in the Skagerrak and the Kattegat.

Article 11

Subject to the approval of the other Contracting Parties, a coastal State may exclude particular areas from the full application of Articles 3 and 4 in order to give preference to the local population if it is overwhelmingly dependent upon coastal fisheries.

Article 12

The present Convention applies to the waters adjacent to the coasts of the Contracting Parties listed in Annex I. This Annex may be amended with the consent of the Governments of the Contracting Parties. Any proposal for amendment shall be sent to the Government of the United Kingdom of Great Britain and Northern Ireland which shall notify it to all Contracting Parties, and inform them of the date on which it enters into force.

Article 13

Unless the parties agree to seek a solution by another method of peaceful settlement, any dispute which may arise between Contracting Parties concerning the interpretation or application of the present Convention shall at the request of any of the parties be submitted to arbitration in accordance with the provisions of Annex II to the present Convention.

...

ANNEX I

The coasts of the Contracting Parties to which the Convention applies are the following:

Belgium

All coasts.

Denmark

The coasts of the North Sea, the Skagerrak and the Kattegat (*i.e.* the area lying to the north and west of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen).

France

The North Sea and the English Channel coasts and the European Atlantic coasts.

Federal Republic of Germany

The North Sea coast.

Ireland

All coasts.

Netherlands

The North Sea coast.

Portugal

The Atlantic coast, north of the 36th Parallel, and the coast of Madeira.

Spain

The Atlantic coast, north of the 36th Parallel.

Sweden

The west coast, north of a line drawn from the Kullen to Gilbjerg Head.

United Kingdom of Great Britain and Northern Ireland

All coasts, including those of the Isle of Man and The Channel Islands.

14. PROTOCOL¹ OF PROVISIONAL APPLICATION OF THE FISHERIES CONVENTION² OF 9 MARCH 1964. DONE AT LONDON ON 9 MARCH 1964

Article 1

The Contracting Parties will raise no objection if a Government which has ratified or approved the Fisheries Convention opened for signature at London on 9th March, 1964, applies provisionally the provisions of the Convention, having first notified its decision to the Government of the United Kingdom of Great Britain and Northern Ireland.

Article 2

(1) The provisional application of the provisions of the Fisheries Convention by a Contracting Party will entail the establishment of the list of arbiters provided for in Article 1 of Annex II to the Convention.

(2) A Contracting Party which has provisionally applied the provisions of the Convention shall be bound by its provisions, in particular Article 13, and shall not object if they are invoked by a Government which has signed the present Protocol and the Convention, even if the latter Government has not yet ratified or approved the Convention, with a view to settling a dispute raised by this provisional application.

Article 3

The present Protocol shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it has been signed by two Governments as between those Governments, and in respect of any Government which signs it thereafter on the date of signature by that Government.

Article 4

(1) Upon the entry into force of the Convention, the present Protocol shall automatically cease to have effect as between Governments which have become parties to the Convention.

(2) The present Protocol shall cease to have effect in respect of any Government which notifies the Government of the United Kingdom of Great Britain and Northern Ireland of its decision not to ratify or approve the Convention.

¹ United Nations, *Treaty Series*, vol. 581, p. 76. Parties to the Protocol: Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

² *Supra* 13.

15. AGREEMENT¹ AS TO TRANSITIONAL RIGHTS BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, FRANCE, IRELAND AND THE NETHERLANDS. DONE AT LONDON, ON 9 MARCH 1964

Article 1

The provisions of Article 9(1) of the Fisheries Convention² opened for signature on 9th March, 1964, shall apply as follows:

(a) Until 31st December, 1965, Belgian, French, German, Irish and Netherlands fishing vessels shall continue to have the right to fish off the coasts of the United Kingdom of Great Britain and Northern Ireland, up to a limit of three miles measured from the baselines of the territorial sea;

(b) Until 31st December, 1966, Belgian, French, German, Irish and Netherlands fishing vessels shall also continue to have the right to fish up to a limit of three miles measured from the baselines of the territorial sea off those parts of the coasts of the United Kingdom of Great Britain and Northern Ireland where straight baselines or bay-closing lines in excess of 10 miles are drawn.

Article 2

The provisions of Articles 4 and 5 of the Fisheries Convention shall during the transitional periods be applicable in the zones laid down in Article 1.

Article 3

The present Agreement shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it is signed by the Government of the United Kingdom of Great Britain and Northern Ireland, as between that Government and any other Government which then signs, or has signed, it; in respect of any Government which signs the present Agreement thereafter, the date of entry into force shall be the date of signature by that Government.

16. AGREEMENT³ AS TO TRANSITIONAL RIGHTS BETWEEN IRELAND AND BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, FRANCE, THE NETHERLANDS, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. DONE AT LONDON, ON 9 MARCH 1964

Article 1

The provisions of Article 9(1) of the Fisheries Convention⁴ opened for signature on 9th March, 1964, shall apply as follows:

¹ United Nations, *Treaty Series*, vol. 581, p. 84. Parties to the Agreement: Belgium, France, Federal Republic of Germany, Ireland, Netherlands, United Kingdom.

² *Supra* 13.

³ United Nations, *Treaty Series*, vol. 581, p. 90. Parties to the Agreement: Belgium, Federal Republic of Germany, France, Ireland, Netherlands, Spain, United Kingdom.

⁴ *Supra* 13.

(a) Until 31st December, 1965, Belgian, British, French, German, Netherlands and Spanish fishing vessels shall continue to have the right to fish off the coasts of Ireland, up to a limit of three miles measured from the baselines of the territorial sea;

(b) Until 31st December, 1966, Belgian, British, French, German, Netherlands and Spanish fishing vessels shall also continue to have the right to fish up to a limit of three miles measured from the baselines of the territorial sea off those parts of the coasts of Ireland where straight baselines or bay-closing lines in excess of 10 miles are drawn.

Article 2

The provisions of Articles 4 and 5 of the Fisheries Convention shall during the transitional periods be applicable in the zones laid down in Article 1.

Article 3

The present Agreement shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it is signed by the Government of Ireland, as between that Government and any other Government which then signs, or has signed, it. In respect of any Government which signs the present Agreement thereafter, the date of entry into force shall be the date of signature by that Government.

17. CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA, SIGNED AT COPENHAGEN, ON 20 SEPTEMBER 1964, articles 1-5, 15¹

18. AGREEMENT BETWEEN DENMARK, NORWAY AND SWEDEN ON RECIPROCAL ACCESS TO FISHING IN THE SKAGERRAK AND THE KATTEGAT. SIGNED AT COPENHAGEN, ON 19 DECEMBER 1966²

The Governments of Denmark, Norway and Sweden, desiring to maintain the access of fishermen of the three countries to the fishery resources in the areas of the Skagerrak and the Kattegat which have long been a common fishing ground, have, with a view to the possibility of changes in the fishery limits of the three countries, agreed, as neighbouring countries, to enter into an arrangement based on the following provisions:

Article 1

The area to which this Agreement relates comprises the Skagerrak and the northern Kattegat bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse.

¹ *Supra* DIVISION III, SUB-DIVISION A, 5.

² United Nations, *Treaty Series*, vol. 605, No. 8769. Came into force on 7 August 1967.

Article 2

1. Each of the Contracting States shall, irrespective of such fishery limits as they may otherwise establish, permit vessels of the other two countries to engage in fishing in the water area specified in article 1 to a distance of four nautical miles (1 nautical mile = 1,852 metres) from the baseline of the territorial sea, with the result that the aforementioned water area shall, for the purposes of such fishing, be deemed to constitute the high seas:

2. To such extent as may be considered appropriate, an attempt shall be made through mutual consultation to establish as uniform regulations as possible in the three countries in respect of fishing in the area specified in article 1.

19. CONVENTION¹ ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC. DONE AT LONDON, 1 JUNE 1967

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

Article 1

(1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

“fishing vessel” means any vessel engaged in the business of catching fish;

“vessel” means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

Article 2

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

Article 3

(1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

¹ The English text was provided by the Permanent Mission of the Netherlands to the United Nations.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels and their small boats and fishing implements.

Article 4

(1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

Article 5

Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marking shall be in accordance with the provisions of Annex IV to this Convention.

Article 6

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with Article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

Article 7

(1) In any dispute that arises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes:

At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

Article 8

(1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

Article 9

(1) To facilitate the implementation of the provisions of the Convention the arrangements set out in this Article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon the request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorised officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it

appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

...

ANNEX I

AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

(a) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;

(b) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10' north latitude to a point in 75° north latitude and 73° 30' west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30' west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;

(c) in the east by 51° east longitude, but excluding—

- (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbjerg Head to the Kullen; and
- (ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36' west longitude.

ANNEX II

IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

Rule 1

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessel so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

Rule 2

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

ANNEX III

ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

Rule 1

General

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in Article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m.) apart but at a lower level than the lights prescribed in Rule 9 (c) (i) and (d) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9 (b) of the above Regulations.

Rule 2

Signals for Trawling and Drift netting

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

- (i) when shooting their nets:
 - two white lights in a vertical line one over the other;

- (ii) when hauling their nets:
one white light over one red light in a vertical line one over the other;
 - (iii) when the net has come fast upon an obstruction:
two red lights in a vertical line one over the other.
- (2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.
- (3) Each fishing vessel engaged in pair trawling shall exhibit:
- (i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;
 - (ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;
 - (iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.
- (4) This rule need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

Rule 3

Light signals for Purse Seining

(1) Fishing vessels engaged in fishing with purse seines shall show two amber coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) This rule need not be applied to fishing vessels of less than 85 feet (25.90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

Rule 4

Sound signals

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

ANNEX IV

MARKING OF NETS, LINES AND OTHER GEAR

Rule 1

Anchored gear

(1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.

(2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end

buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70-100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

Rule 2

Drift gear

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

ANNEX V

RULES GOVERNING THE OPERATIONS OF VESSELS

Rule 1

Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

Rule 2

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

Rule 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

Rule 4

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

Rule 5

No vessel shall use or have on board explosives intended for the catching of fish.

Rule 6

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

Rule 7

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

ANNEX VI

RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorised officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II Rule 2 (1) and the fact of such document having been exhibited shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel.

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but

does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in Article 1 (2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of Article 9, and communicate with vessels, only from surface craft.

...

Sub-Divisiou B. Bilateral Treaties

1. EXCHANGE¹ OF NOTES BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND MODIFYING THE CONVENTION² OF JUNE 24, 1901, AS LATER AMENDED, CONCERNING THE REGULATION OF FISHING AROUND THE FAROE ISLANDS. COPENHAGEN, 27 APRIL 1959

I

UDENRIGSMINISTERIET³
COPENHAGEN

27th April, 1959

Sir,

I have the honour to refer to the discussions between representatives of the Government of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the temporary regulation of fishing around the Faroe Islands pending the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits and have the honour to make the following proposals:

I. The Government of the United Kingdom shall raise no objection to the exclusion by the competent Danish or Faroese authorities of vessels registered in the United Kingdom from fishing in the area between the coast of the Faroe Islands and the blue line shown on the map annexed hereto.⁴

II. Having regard to the fisheries traditionally exercised in waters around the Faroe Islands by vessels registered in the United Kingdom, the Government of Denmark shall raise no objection to such vessels continuing to fish in the area between the blue line mentioned in paragraph I and a line twelve sea miles from low water mark along the coast of the Faroe Islands drawn as shown by the red dotted line on the map annexed hereto.

III. In view of the exceptional dependence of the Faroese economy on fisheries, in the three areas hatched red on the map annexed hereto, lying within the area mentioned in paragraph II, fishing by vessels registered in the Faroe Islands or Denmark and vessels registered in the United Kingdom shall be limited to fishing with long line and hand line between the dates specified in sub-paragraphs (a), (b) and (c) of this paragraph. The areas and dates referred to are:

¹ United Nations, *Treaty Series*, vol. 337, p. 416. Came into force on 27 April 1959.

² Articles 2 and 3 reproduced in ST/LEG/SER.B/6, pp. 771-772. For the whole text, see United Nations, *Treaty Series*, vol. 213, p. 313.

³ Ministry of Foreign Affairs.

⁴ The map is not reproduced owing to technical reasons.

(a) on the west: the area south-west and south of Myggenaes bounded at the northern end by the broken blue line drawn on a bearing of 270 degrees (True) from Myggenaes lighthouse—annually from the 15th of November to the 1st of April;

(b) on the south: the area south of the island of Syderö bounded at its northern end by the broken blue line on a bearing of 253 degrees (True) from Akraberg lighthouse, and on the east by the similar line on a bearing of 146 degrees (True) from the same lighthouse—annually from the 1st of October to the 31st of May;

(c) on the north: the area bounded on the west by the broken blue line forming the meridian of longitude 7 degrees west of Greenwich, and on the east by the broken blue line drawn due north of the northern point of Nordberg on Fuglø—annually from the 15th of February to the 15th of April.

IV. The Danish Government shall accord to fishing vessels registered in the United Kingdom treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

V. The map annexed hereto shall be an integral part of the present Agreement and shall be deemed to be definitive as regards the lines and areas mentioned in paragraphs I, II and III.

VI. The Governments of Denmark and the United Kingdom shall arrange for experts to report each year what, if any, measures additional to those currently in force may be necessary for the conservation of the stocks of fish around the Faroe Islands and the two Governments shall consider together any recommendations for such measures that may be made by the experts.

VII. Nothing in the present Agreement shall be deemed to prejudice the views held by either Government as to the delimitation and limits in international law of territorial waters or of exclusive jurisdiction in fishery matters.

VIII. (a) The present Agreement shall enter into force on this day's date and shall, subject to the provisions of sub-paragraph (b) of this paragraph, remain in force until the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits.

(b) If by the 27th of October, 1961, a Convention as mentioned in sub-paragraph (a) of this paragraph has not entered into force, the Governments of Denmark and the United Kingdom shall consider whether any modifications should be made to the present Agreement and, subject to such modifications as may be agreed, the present Agreement shall continue in force provided that at any time after the 27th of April, 1962, either Government may give to the other Government notice in writing terminating the Agreement which notice shall take effect one year after the date on which such notice is given.

2. If the proposals contained in this Note are acceptable to the Government of the United Kingdom I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments replacing the provisions regarding fishery limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955,¹ and modifying, accordingly, the Convention of the 24th of June, 1901,² as modified by

¹ United Nations, *Treaty Series*, vol. 213, p. 313.

² De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XXXIII, p. 268.

the Notes exchanged between our two Governments on the 23rd of July, 1954,¹ and the 22nd of April, 1955.

I avail myself, etc.

J. O. KRAG

His Excellency Sir Roderick Barclay
Her Britannic Majesty's Ambassador
Copenhagen

II

BRITISH EMBASSY
COPENHAGEN

27th April 1959

Monsieur le Ministre,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[*See note I*]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an Agreement between our two Governments, replacing the provisions regarding the fishery limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955, and modifying, accordingly, the Convention of the 24th of June, 1901, as modified by the Notes exchanged between our two Governments on the 23rd of July, 1954, and the 22nd of April, 1955.

I have the honour, etc.

Roderick E. BARCLAY

His Excellency
Hr. Udenrigsminister²
J. O. Krag
Copenhagen

¹ United Nations, *Treaty Series*, vol. 213, p. 313.

² Minister for Foreign Affairs.

2. CONVENTION¹ BETWEEN CANADA AND THE UNITED STATES OF AMERICA FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, SIGNED AT WASHINGTON ON 26 MAY 1930, AS AMENDED BY THE PROTOCOL² SIGNED AT WASHINGTON ON 28 DECEMBER 1956

Article I

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the Dominion of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seachelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the British Admiralty Chart Number 579, and on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the Dominion of

¹ League of Nations, *Treaty Series*, vol. CLXXXIV, p. 305. Reproduced in ST/LEG/SER.B/1, pp. 195-200.

² *Infra* 3.

Canada and the United States of America, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the Dominion of Canada and the territory of the United States of America such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, Canada and United States-Alaska, for action pursuant to the provisions of the Treaty between His Majesty in respect of Canada and the United States of America, respecting the boundary between the Dominion of Canada and the United States of America, signed February 24, 1925.

...

Article III

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article I of this Convention, and to that end it shall have power to improve spawning grounds, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

Article IV

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article I of this Convention, provided that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington as to the procuring of a licence to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article I of this Convention, and provided further that any order adopted by the

Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

Article V

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the Canadian waters and/or the waters of the United States of America described in Article I of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, provided, however, that in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in Canadian waters or in waters of the United States of America is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized, and any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the Dominion of Canada or the United States of America, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

Article VI

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each Contracting Party.

All regulations made by the Commission shall be subject to approval of the two Governments with the exception of orders for the adjustment of closing or opening of fishing periods and areas in any fishing season and of emergency orders required to carry out the provisions of the Convention.

...

Article IX

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States of America, that engages in sockeye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, as soon as practicable, to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

3. PROTOCOL¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA AMENDING THE CONVENTION² FOR PROTECTION, PRESERVATION AND EXTENSION OF SOCKEYE SALMON FISHERIES, 26 MAY 1930. SIGNED AT OTTAWA, ON 28 DECEMBER 1956

The Government of the United States of America and the Government of Canada, desiring to coordinate the programs for the conservation of the sockeye and pink salmon stocks of common concern by amendment of the Convention between the United States of America and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on the 26th day of May, 1930, hereinafter referred to as the Convention,

Have agreed as follows:

Article I

The Convention as amended by the present Protocol shall apply to pink salmon with the following exception:

The understanding stipulated in the Protocol³ of Exchange of Ratifications signed at Washington on the 28th day of July, 1937, which provides that "the Commission shall not promulgate or enforce regulations until the scientific investigations

¹ United Nations, *Treaty Series*, vol. 290, p. 103. Entered into force on 3 July 1957.

² League of Nations, *Treaty Series*, vol. CLXXXIV, p. 305. The text reproduced in ST/LEG/SER.B/1, pp. 195-200.

³ The understandings, stipulated in the Protocol and accepted by the Canadian Government, are reproduced in ST/LEG/SER.B/1, p. 199, *Note*.

provided for in the Convention have been made, covering two cycles of sockeye salmon runs, or eight years;" shall not apply to pink salmon.

Article V

Paragraph (3) of the understandings stipulated in the Protocol of Exchange of Ratifications signed at Washington on the 28th day of July, 1937, shall be amended to read as follows:

"That the Commission shall set up an Advisory Committee composed of six persons from each country who shall be representatives of the various branches of the industry including, but not limited to, purse seine, gill net, troll, sport fishing and processing, which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations."

Article VI

1. The Parties shall conduct a coordinated investigation of pink salmon stocks which enter the waters described in Article I of the Convention for the purpose of determining the migratory movements of such stocks. That part of the investigation to be carried out in the waters described in Article I of the Convention shall be carried out by the Commission.

2. Except with regard to that part of the investigation to be carried out by the Commission, the provisions of Article III of the Convention with respect to the sharing of cost shall not apply to the investigation referred to in this Article.

3. The Parties shall meet in the seventh year after the entry into force of this Protocol to examine the results of the investigation referred to in this Article and to determine what further arrangements for the conservation of pink salmon stocks of common concern may be desirable.

Article VII

Nothing in the Convention or this Protocol shall preclude the Commission from recording such information on stocks of salmon other than sockeye or pink salmon as it may acquire incidental to its activities with respect to sockeye and pink salmon.

4. AGREEMENT¹ OF 29 MAY 1958 BETWEEN DENMARK AND THE FEDERAL REPUBLIC OF GERMANY REGARDING COMMON FISHERY RIGHTS IN THE FLENSBORG FJORD**

Article I

(1) This Agreement shall apply to the part of the Flensborg Fjord which is bounded on the east by a line between Borreshoved and Neukirchen light (treaty zone). The Nybøl Nor up to the point at its mouth marked by the two sea marks shall, however, be excluded from the treaty zone.

¹ *Bundesgesetzblatt* 1959, II, p. 1073. The Agreement replaces the Agreement regarding common fishery rights in the Flensborg Fjord reproduced in ST/LEG/SER.B/6, p. 783.

(2) Nationals of the two States who, at the entry into force of this agreement, are resident in the communes situated on the German or Danish side of the aforementioned part of the Fjord shall have the right to fish within the treaty zone. Fishermen who take up residence in those communes after that date shall acquire the right to fish in the territory of the other Contracting State only after they have carried on fishing continuously for one year in the part of the fjord belonging to their own State.

(3) Special rights based on property or privileges shall not be affected by the provisions of paragraph 2.

(4) German and Danish nationals who are not resident in the communes specified in paragraph 2 may fish in the treaty zone only within the territorial limits of their own State.

Article 2

(1) Fishermen who, in accordance with article 1, participate in the common fishing in the treaty zone may, on condition that they comply with the regulations in force, and in particular with the food inspection, customs and passport regulations, land and dispose of their catch from the treaty zone at the landing places in the treaty zone which belong to the other Contracting State (cf. article 4, paragraph (1) (a)), and may there take on board and replenish their fishing supplies and provisions.

(2) Persons who participate in the common fishing may not be supplied with duty-free ship's stores in the other Contracting State. They shall not, moreover, be allowed to acquire such stores.

...

Article 5

(1) If an offence against the provisions of this Agreement takes place in the part of the territory of one Contracting State which belongs to the treaty zone, the control officials of that Contracting State may, in the event that prompt action is called for, subject the offender to an investigation even in the part of the territory of the other Contracting State which belongs to the treaty zone. The investigation shall be limited to ascertaining the identification marks of the vessel, checking identification papers and searching the vessel for the purpose of the securing of evidence. Upon the arrival of the officials of the competent authorities of the other Contracting State, the control officials carrying out the investigation shall be required to leave further inquiries to the aforementioned officials and shall return to their own territory.

(2) If the offender succeeds in reaching the territory of the other Contracting State before an investigation of the offender and of the offence can be carried out, and if no control official of that Contracting State is at hand, the control officials carrying out the investigation may take the offender's vessel to a control station of the other Contracting State and let further action be taken by that station. The vessel may not be taken by the investigating officials to their own side.

(3) If a vessel of one Contracting State is detained in the territory of the other Contracting State by reason of an offence against the provisions of this Agreement, the control officials of such other Contracting State may, if no control official of the

State in which the vessel is registered is at hand, take the offender's vessel to a control station of the latter State and let further action be taken by that station. Save in the case of an offence against the provisions of article 1, paragraph (4), the vessel may not be taken to a port of the State in which it is detained as aforesaid.

(4) Reciprocal visits by fishery inspection officials for official purposes shall be permitted.

Article 6

(1) Offences against the provisions of article 1, paragraph (2), second sentence, and of article 3 and against the regulations made by virtue of article 4, paragraph (1), shall be investigated and prosecuted by the Contracting State in which the fishing vessel used in the commission of the offence is registered.

Any person who contravenes article 1, paragraph (4), and is apprehended in the part of the treaty zone belonging to the other Contracting State shall be prosecuted by the authorities of that State in accordance with the provisions in force there. The prosecution may, however, be left to the offender's own State. If the offender cannot be apprehended in the territory of the other Contracting State, he shall be pursued and, where applicable, be prosecuted, by the authorities of his own State.

...

5. CONVENTION¹ DU 14 JUILLET 1959 ENTRE L'ESPAGNE ET LA FRANCE RELATIVE À LA PÊCHE EN BIDASSOA ET BAIE DU FIGUIER

TITRE I^{er}. — DÉLIMITATION DES EAUX

Article 1^{er}

AIRE DE LA CONVENTION

La présente convention s'applique dans le cours principal de la Bidassoa et son embouchure, depuis Chapitelaco Arria (ou Chapiteco Erreca) jusqu'à la ligne joignant le cap du Figuier (pointe Erdico) en Espagne, à la pointe du Tombeau en France.

Article 2

DIVISIONS PRINCIPALES

L'aire définie à l'article 1^{er} ci-dessus, se divise en deux parties:

La première partie comprend le cours principal de la Bidassoa, depuis Chapitelaco Arria (ou Chapiteco Erreca), jusqu'à la ligne fictive joignant intérieurement les extrémités aval des digues française et espagnole de l'embouchure;

La deuxième partie s'étend depuis cette ligne fictive jusqu'à la ligne joignant le cap du Figuier (pointe Erdico) à la pointe du Tombeau. Cette partie est dénommée baie du Figuier.

Ces deux parties sont définies à l'article 3 suivant.

¹ La Convention a été publiée en France par le décret n° 65-173 du 3 mars 1965 (*Journal Officiel* n° 57 des 8 et 9 mars 1965) et par le décret n° 65-173 (rectificatif) [*Journal Officiel* n° 145 du 25 juin 1965, p. 5297].

Article 3

DIVISIONS SECONDAIRES

a) Première partie :

Le cours principal de la Bidassoa, tel que défini à l'article 2 ci-dessus, se divise lui-même en trois zones :

La première est comprise entre Chapitelaco Arria ou Chapiteco Erreca et Alunda ;

La deuxième zone s'étend d'Alunda jusqu'en aval du pont de chemin de fer Hendaye-Irun ;

La troisième zone s'étend d'en aval du pont de chemin de fer Hendaye-Irun jusqu'à la ligne fictive joignant intérieurement les extrémités aval des digues française et espagnole de l'embouchure.

b) Deuxième partie :

La baie du Figuier se divise en trois zones du point de vue juridictionnel (déclaration du 30 mars 1879 et plan annexé) :

La première zone comprend les eaux placées sous la juridiction exclusive de l'Espagne ;

La deuxième zone comprend les eaux placées sous la juridiction exclusive de la France ;

La troisième zone forme les eaux communes.

Article 4

LIMITES EXTÉRIEURES

La deuxième partie dont il est parlé à l'article précédent est limitée par une ligne transversale A B C D (pointe Erdico—pointe du Tombeau) au Nord de laquelle la convention cesse d'être applicable.

Au Nord de cette ligne, le méridien passant par le milieu M de la ligne A B partage les eaux territoriales des deux pays.

Article 5

La ligne transversale A B C D, qui est de 3 055 mètres et qui signale la limite de la baie, se divise en trois parties égales AB, BC, CD.

Article 6

EAUX ESPAGNOLES

Une ligne qui part des points F' et F'' (pyramides placées sur la côte espagnole près de la pointe Socorra), s'étend parallèlement à la côte d'Espagne jusqu'à rencontrer en un point I une autre ligne RB. Cette ligne RB est constituée par l'alignement de deux pyramides situées à terre en Espagne près du port de Refuge, et le point B situé au tiers de la longueur de la ligne ABCD, soit à 1 018 mètres du cap du Figuier. Les eaux comprises entre les lignes F' I B et la côte d'Espagne sont placées sous la juridiction exclusive de ce pays.

Article 7

EAUX FRANÇAISES

Une ligne passant par les pyramides G et G' coupe la ligne ABCD en un point C, dans le tiers de sa longueur, soit à 1 018 mètres de la pointe du tombeau. Les eaux de la baie du Figuier, comprises entre cette ligne GC et la côte de France, sont placées sous la juridiction exclusive de ce pays.

Article 8

EAUX COMMUNES

Les eaux comprises entre la ligne BC et les eaux françaises et espagnoles déterminées aux articles 6 et 7 ci-dessus forment la zone des eaux communes. La jouissance du mouillage dans cette zone reste commune aux navires des deux pays.

Article 9

ENTRETIEN DES BALISES

La mise en place, l'entretien et la réfection des marques et balises nécessaires pour matérialiser les limites prévues aux articles précédents sont assurés d'une manière permanente sur leur propre territoire par les services qualifiés de chaque pays.

TITRE II. — DROITS DE PÊCHE

PERSONNES AUTORISÉES

Article 10

1^o Le droit de pêche dans l'aire de la convention appartient exclusivement et indistinctement en Espagne aux habitants d'Irun et Fontarabie, et en France aux habitants de Biriadou, Urrugne et Hendaye.

...

TITRE III. — POLICE ET SURVEILLANCE DE LA PÊCHE

Article 23

AUTORITÉS ET AGENTS CHARGÉS DE LA RÉPRESSION

A. — Pour assurer le maintien de l'ordre et l'exécution des dispositions de la présente convention, la surveillance sera exercée et les contraventions seront constatées en la forme prescrite à l'article 26 ci-après:

STATIONS NAVALES

1^o Par les commandants des stations navales de chaque État ou par leurs délégués ou par les maîtres patrons des annexes des stationnaires.

GARDES-PÊCHE

2° Par quatre gardes-pêche, dont deux nommés par les municipalités d'Urrugne, d'Hendaye et de Biriadou, et deux par les municipalités de Fontarabie et d'Irun. Ces gardes, dont le salaire sera à la charge des municipalités qui les auront nommés, seront assermentés et revêtus d'une bandoulière avec plaque indiquant leur qualité. Ces gardes seront placés sous la surveillance directe du commandant de leur station navale respective et devront se conformer à ses instructions pour tout ce qui concerne la police de la pêche. Ils transmettront les procès-verbaux au commandant de leur station navale.

POLICE DES RIVES

B. — La police et la surveillance de la baie du Figuier et du cours international de la Bidassoa seront exercées exclusivement par les agents espagnols sur le rivage espagnol et par les agents français sur le rivage français.

Article 24

POUVOIRS DES COMMANDANTS DES STATIONS NAVALES

Les commandants des stations navales de chaque État dans la Bidassoa pourront, d'un commun accord, ordonner sous la réserve ci-dessous telle mesure non prévue à la présente convention qu'il paraîtra convenable de prendre dans la Bidassoa et la baie du Figuier.

Chacun des commandants devra en référer sans délai au président de la délégation de sa nationalité à la commission internationale des Pyrénées. La mesure ne sera agissante qu'après approbation des deux présidents. La commission internationale des Pyrénées, à la première réunion qui suivra, statuera sur ladite mesure.

Article 25

AGENTS DES DOUANES ET POLICES MUNICIPALES

Les agents des services des douanes et polices municipales seront habilités à dresser procès-verbal dans les mêmes conditions que les gardes-pêche visés à l'article 23 ci-dessus.

Article 26

CONSTATATION DES INFRACTIONS

Les contraventions à la présente convention seront prouvées soit par témoins, soit à l'aide de procès-verbaux dressés et signés par les autorités désignées aux articles 23 et 25.

Les commandants des stations navales française et espagnole dans la Bidassoa sont autorisés à saisir les filets et autres instruments de pêche prohibés, ainsi que le poisson pêché en contravention. Ils peuvent aussi faire opérer la saisie immédiate des filets même non prohibés des délinquants nationaux quand la nature de la contravention le rendra nécessaire.

Les gardes-pêche auront le droit de requérir directement la force publique pour la répression des contraventions à la présente convention ainsi que pour la saisie des engins prohibés, du poisson et des coquillages pêchés en contravention.

OFFICIERS DE POLICE

Les contraventions en matière de vente et de colportage du poisson, des coquillages et du frai, pris durant les époques prohibées ou au-dessous des dimensions prescrites pourront également être constatées par tous officiers de police judiciaire en France et par tous membres de la garde civile en Espagne, qui pourront transmettre leur procès-verbal au commandant de la station navale intéressée, lequel reste seul juge de la suite à donner.

Article 27

NÉGLIGENCE DES AGENTS

Le garde-pêche qui, dans l'exercice de ses fonctions, aura fait preuve de négligence établie par le commandant de la station navale sous la surveillance directe duquel il est placé, sera immédiatement révoqué. Si ce garde a agréé des promesses ou reçu des présents pour manquer à ses devoirs, il sera poursuivi d'après les dispositions prévues pour ce cas dans la législation de son pays.

TITRE IV. — RÉPRESSION DES INFRACTIONS

Article 28

POUVOIRS RÉCIPROQUES DES AGENTS

Les préposés à l'exécution du présent règlement mentionnés à l'article 23 pourront constater les contraventions de tous les riverains quelle que soit leur nationalité, mais les contrevenants ne pourront être jugés que par le tribunal compétent de leur pays.

Article 29

Toutefois, les infractions constatées au deuxième paragraphe de l'article 11 de la présente convention relèveront des juridictions de l'État sur le territoire duquel elles se seront produites.

Article 30

SUITE À DONNER AUX PROCÈS-VERBAUX

Tous les procès-verbaux, remis au commandant de la station navale sous la juridiction duquel se trouve le contrevenant, comporteront la suite prévue à l'alinéa ci-après et à l'article 32.

TRANSACTION

Pour toutes les infractions aux dispositions de la présente convention, le commandant de la station navale française aura la faculté d'admettre les contrevenants à transaction et le commandant de la station navale espagnole appliquera les dispositions en vigueur dans son pays.

Article 31

PREUVE DES PROCÈS-VERBAUX

Les procès-verbaux dressés par les agents mentionnés à l'article 23 feront foi jusqu'à inscription de faux.

Article 32

TRIBUNAUX COMPÉTENTS

A défaut de transaction prévue à l'article 30, le jugement d'une contravention à la présente convention sera placé en France dans la compétence du tribunal correctionnel de Bayonne, en Espagne, les contrevenants pourront faire appel des décisions du commandant de la station navale devant le tribunal compétent à Saint-Sébastien.

Avis de la décision ou du jugement qui interviendra sera donné à l'autorité qui aura dressé procès-verbal.

Article 33

POURSUITE AU CIVIL

Sans préjudice des droits appartenant au ministère public, la poursuite résultant de dommages ou de pertes éprouvés par des pêcheurs du fait d'autres pêcheurs se fera à la diligence des maires ou des alcades ou sur la plainte de la partie civile.

Le tribunal ordonnera dans ce cas et, s'il y a lieu, en sus de la peine infligée pour fait de contravention, le paiement de dommages et intérêts en faveur de qui de droit et il en déterminera le montant.

Article 34

PRESCRIPTION DES POURSUITES

L'action publique et l'action civile résultant des contraventions prévues dans la présente convention seront prescrites après soixante jours révolus à compter du jour où le fait aura eu lieu.

TITRE V. — SANCTIONS

Article 35

PEINES INFLIGÉES

Afin qu'il y ait identité effective de droits pour tous les riverains, il faut qu'il y ait identité de répression pour les contrevenants des deux pays qui auront violé les mesures adoptées pour régler, conformément aux traités, la jouissance en commun de la Bidassoa.

Dans les deux pays, le tribunal compétent sera en conséquence appelé à prononcer pour les faits de contravention à la présente convention contre les pêcheurs soumis à sa juridiction :

- 1° La confiscation du produit de la pêche;
- 2° La confiscation et la destruction des filets ou autres instruments de pêche défendus;
- 3° L'amende depuis 2 000 F (240 pesetas) jusqu'à 12 000 F (1 440 pesetas) ou l'emprisonnement pendant six jours au moins et un mois au plus;
- 4° Dans tous les cas prévus par la présente convention, si les circonstances paraissent atténuantes, les tribunaux compétents des deux pays sont autorisés à réduire l'emprisonnement même au-dessous de six jours et l'amende même au-

dessous de 2 000 F (240 pesetas). Ils peuvent aussi prononcer l'une ou l'autre de ces peines sans qu'en aucun cas l'amende puisse descendre au-dessous de 250 F (30 pesetas) et l'emprisonnement au-dessous de vingt-quatre heures.

Si des fluctuations interviennent en ce qui concerne le cours du change entre les deux monnaies, le taux des amendes prévu aux alinéas ci-dessus pourra être révisé sur la demande de l'une ou l'autre des hautes parties contractantes et le nouveau taux pourra être fixé par simple échange de lettres entre ces hautes parties contractantes.

Article 36

RÉCIDIVE

Dans tous les cas de récidive, l'infracteur sera condamné au double de l'amende ou de l'emprisonnement qui aura déjà été prononcé contre lui, mais cette double peine ne pourra jamais dépasser le maximum établi dans le paragraphe 3^o de l'article précédent. Il y a récidive lorsque, dans les douze mois précédents, il a été rendu contre l'infracteur un premier jugement pour contravention aux dispositions de la présente convention.

Si, dans les douze mois précédents, il a été rendu contre l'infracteur deux jugements pour contravention aux dispositions du règlement, l'amende ou l'emprisonnement pourront être portés au double du maximum fixé dans l'article précédent.

Article 37

CAS PARTICULIER DU SAUMON

Tout riverain qui pêchera le saumon en dehors de son tour de pêche, dont il est question au paragraphe 2 de l'article 22, sans l'autorisation de celui à qui ce tour revient, sera passible de l'amende ou de l'emprisonnement établi dans le paragraphe 3^o de l'article 35.

De plus, il devra restituer le poisson pris en contravention ou sa valeur au pêcheur dont il aura pris le tour.

En cas de récidive, il pourra être condamné à l'amende ou à l'emprisonnement, sans préjudice de la confiscation éventuelle des filets.

Article 38

DESTINATION DU POISSON CONFISQUÉ

Le poisson saisi pour contravention aux dispositions de la présente convention sera immédiatement distribué aux pauvres de la commune riveraine dans laquelle la saisie aura été faite.

Article 39

DESTINATION DES AMENDES

Le produit des amendes ou des transactions prononcées en vertu de la présente convention sera versé dans l'un et l'autre pays dans les caisses municipales, et la moitié en sera attribuée au garde-pêche ou agent de la police municipale ou agent des douanes qui aura constaté l'infraction.

Article 40

RESPONSABILITÉ CIVILE

Les pères, mères, maris et maîtres pourront être déclarés responsables des amendes prononcées pour contraventions commises par leurs enfants mineurs, leurs femmes ou leurs serviteurs.

Article 41

OUTRAGES À AGENTS

Tout riverain qui aura outragé dans l'exercice de ses fonctions un des préposés mentionnés aux articles 23 et 25 ou tout officier de police judiciaire instrumentant, comme il est dit au dernier paragraphe de l'article 26, ou qui leur aura résisté avec violence et voies de fait, sera puni des peines édictées en pareil cas par les lois de son pays.

6. TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS CONCERNING ARRANGEMENTS FOR CO-OPERATION IN THE EMS ESTUARY (EMS-DOLLARD TREATY). SIGNED AT THE HAGUE, ON 8 APRIL 1960, articles 41-42¹

7. FISHERY AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. SIGNED AT OSLO, ON 17 NOVEMBER 1960²

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom Government") and the Government of the Kingdom of Norway (hereinafter referred to as "the Norwegian Government");

Taking into account the proposal³ on the breadth of the territorial sea and fishery limits which was put forward jointly by the Governments of the United States of America and Canada at the Second United Nations Conference on the Law of the Sea in 1960 and which obtained 54 votes;

Affirming their belief that an Agreement to stabilise fishery relations between the two countries should be based on the aforesaid proposal, and should not contemplate the exclusion of fishing vessels from any area beyond the limits of the fishery zone referred to in that proposal;

Desiring to stabilise fishery relations between the United Kingdom and Norway;

Have agreed as follows:

¹ *Supra* DIVISION I, SUB-DIVISION B, 4.

² United Nations, *Treaty Series*, vol. 398, p. 190.

³ *Official Records of the Second United Nations Conference on the Law of the Sea, Annexes and Final Act*, p. 169 (A/CONF.19/C.1/L.10 of 8 April 1960).

Article I

For the purpose of this Agreement:—

(a) the term “mile” means a nautical mile (1,852 metres) reckoned at sixty to one degree of latitude;

(b) the term “territory” means, in relation to the United Kingdom, the territory of the United Kingdom of Great Britain and Northern Ireland, including the Isle of Man; and in relation to Norway, the territory of the Kingdom of Norway;

(c) the term “vessel” means any vessel or boat employed in fishing.

Article II

As from a date of which the Norwegian Government shall give due notice to the United Kingdom Government, the latter Government shall not object to the exclusion, by the competent authorities of the Norwegian Government, of vessels registered in the territory of the United Kingdom from fishing in an area contiguous to the territorial sea of Norway extending to a limit of 6 miles from the base line from which that territorial sea is measured.

Article III

During the period between the date referred to in Article II of this Agreement and the thirty-first day of October, 1970, the Norwegian Government shall not object to vessels registered in the territory of the United Kingdom continuing to fish in the zone between the limits of 6 and 12 miles from the base line from which the territorial sea of Norway is measured.

Article IV

After the thirty-first day of October, 1970, the United Kingdom Government shall not object to the exclusion by the competent authorities of the Norwegian Government, of vessels registered in the territory of the United Kingdom from fishing within the limit of 12 miles from the base line from which the territorial sea of Norway is measured.

Article V

If at any time before the thirty-first day of October, 1970, the Norwegian Government considers that there has been a fundamental change in the character of the fishing carried on in the zone referred to in Article III of this Agreement by vessels registered in the territory of the United Kingdom, the Norwegian Government may raise the matter with the United Kingdom Government, and the two Governments shall together review the position.

Article VI

Except in the case of arrangements between the Norwegian Government and the Government of any other Scandinavian country in respect of the Skagerrak, the Norwegian Government shall accord to vessels registered in the territory of the United Kingdom treatment no less favourable than that accorded to the vessels of other foreign countries.

Article VII

As from the date referred to in Article II of this Agreement, the Contracting Parties shall apply to vessels registered in their respective territories the provisions of the Annexes to this Agreement which shall be an integral part of the Agreement.

Article VIII

Nothing in this Agreement shall be deemed to prejudice the views held by either Contracting Party as to the delimitation and limitation in international law of territorial waters or of exclusive jurisdiction in fishery matters.

ANNEX I

RULES FOR THE REGULATION OF THE FISHERIES

...

CHAPTER II. RULES GOVERNING THE OPERATIONS OF FISHING

...

Article 16

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves:—

- (a) that the damage was done under stress of circumstances beyond its control; or
- (b) that the damage was not due to its fault; or
- (c) that it had complied with the relevant provisions of this Chapter and had done all that was possible to avoid the damage; or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of this Chapter, and that such non-compliance materially contributed to the damage.

...

Article 19

No vessel shall except by reason of distress dump in the sea any article which may obstruct or cause damage to fishing gear.

CHAPTER III. RULES RELATING TO THE POLICING OF FISHERIES

Article 20

(1) The superintendence of the fisheries in areas outside the zone referred to in Article III of the Agreement shall be exercised by fishery protection vessels of each Contracting Party recognised as such by the other Contracting Party and commanded by naval officers or officers holding commissions.

(2) In the zone referred to in Article III of the Agreement the superintendence of the fisheries shall be exercised by Norwegian fishery protection vessels, commanded by naval officers or officers holding commissions.

...

CHAPTER IV. AREA OF APPLICATION

Article 28

The area within which the rules set out in this Annex shall be applicable comprises all water in which vessels registered in the territories of the United Kingdom and of Norway respectively, fish in accordance with the terms of the Agreement and which are situated off the coast of Norway north of 61° North latitude and as far west as the meridian of the North Unst lighthouse.

8. EXCHANGE¹ OF NOTES CONSTITUTING AN AGREEMENT BETWEEN ICELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SETTLING THE FISHERIES DISPUTE BETWEEN THE GOVERNMENT OF ICELAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. REYKJAVIK, 11 MARCH 1961

I

March 11, 1961

Your Excellency,

I have the honour to refer to the discussions which have taken place in Reykjavik and London between our Governments concerning the fisheries dispute between our two countries. In view of these discussions my Government is willing to settle the dispute on the following basis:

1. The United Kingdom Government will no longer object to a twelve-mile fishery zone around Iceland measured from the base lines specified in paragraph 2 below which relate solely to the delimitation of that zone.

2. The base lines, which will be used for the purpose referred to in paragraph 1 above, will be those set out in the Icelandic Regulation No. 70 of June 30, 1958, as modified by the use of the base lines drawn between the following points:

- A. Point 1 (Horn) to Point 5 (Ásbúöarrif).
- B. Point 12 (Langanes) to Point 16 (Glettinganes).
- C. Point 51 (Geirfugladrangur) to Point 42 (Skálasnagi).
- D. Point 35 (Geirfuglasker) to Point 39 (Eldeyjarangur).

These modifications will enter into force immediately.

3. For a period of three years from the date of Your Excellency's reply to this Note, the Icelandic Government will not object to vessels registered in the United Kingdom fishing within the outer six miles of the fishery zone referred to in paragraphs 1 and 2 above within the following areas during the periods specified:

- (i) Horn (Point 1) – Langanes (Point 12) (June to September).
- (ii) Langanes (Point 12) – Glettinganes (Point 16) (May to December).
- (iii) Glettinganes (Point 16) – Setusker (Point 20) (January to April and July to August).

¹ United Nations, *Treaty Series*, vol. 397, p. 276. Came into force on 11 March 1961.

- (iv) Setusker (Point 20) – Meöallandssandur I (Point 30) (March to July).
- (v) Meöallandssandur I (Point 30) – 20° west longitude (April to August).
- (vi) 20° west longitude – Geirfugladrangur (Point 51) (March to May).
- (vii) Geirfugladrangur (Point 51) – Bjartangar (Point 43) (March to May).

4. There will, however, be no fishing by vessels registered in the United Kingdom in the outer six miles of the fishery zone referred to in paragraphs 1 and 2 during the aforesaid period of three years in the following areas:

- (i) Between 63° 37' north latitude and 64° 13' north latitude (Faxaflói).
- (ii) Between 64° 40' north latitude and 64° 52' north latitude (Snæfellsnes).
- (iii) Between 65° north latitude and 65° 20' north latitude (Breiðafjörður).
- (iv) Between Bjartangar (Point 43) and Horn (Point 1).
- (v) Off the mainland in the area delimited by lines drawn from the southernmost point of Grimsey to base points 6 and 8.
- (vi) Between 14° 58' west longitude and 15° 32' west longitude (Mýrabugt).
- (vii) Between 16° 12' west longitude and 16° 46' west longitude (Ingólfshöfði).

The Icelandic Government will continue to work for the implementation of the Althing Resolution of May 5, 1959, regarding the extension of fisheries jurisdiction around Iceland, but shall give to the United Kingdom Government six months' notice of such extension and, in case of a dispute in relation to such extension, the matter shall, at the request of either party, be referred to the International Court of Justice.

I have the honour to suggest that this Note and Your Excellency's reply thereto, confirming that its contents are acceptable to the United Kingdom Government, shall be registered with the Secretary General of the United Nations in accordance with Article 102 of the United Nations Charter, and further to suggest that a settlement on this basis shall become effective forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) Guðmundur Í GUÐMUNDSSON

His Excellency Mr. Andrew C. Stewart
 Ambassador Extraordinary and Plenipotentiary
 British Embassy
 Reykjavík

II

BRITISH EMBASSY
 REYKJAVÍK

March 11, 1961

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date reading as follows:

[See note I]

I have the honour to confirm that in view of the exceptional dependence of the Icelandic nation upon coastal fisheries for their livelihood and economic develop-

ment, and without prejudice to the rights of the United Kingdom under international Law towards a third party, the contents of Your Excellency's Note are acceptable to the United Kingdom and the settlement of the dispute has been accomplished on the terms stated therein. I also confirm that the United Kingdom Government agrees that the settlement becomes effective forthwith and that the Notes exchanged today shall be registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Charles STEWART

His Excellency Mr. Guðmundur Í GUÐMUNDSSON
Minister for Foreign Affairs
Reykjavík

9. AGREEMENT¹ ON FISHING BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT MOSCOW, ON 16 APRIL 1962

Article I

For the purpose of this Agreement:

- (a) the term "mile" shall be understood to mean a nautical mile (1,852 metres);
- (b) the term "vessel" shall be understood to mean any vessel or boat engaged in fishing.

Article II

From the moment of the entry into force of this Agreement until 31 October 1970, the Government of the Kingdom of Norway shall permit fishing vessels registered in the Union of Soviet Socialist Republics and manned by Soviet nationals to fish in a Norwegian fishing zone between the limits of six and twelve miles from the base line from which the territorial waters of the Kingdom of Norway are measured.

However, in the areas indicated below, vessels of the Contracting Parties shall be limited to fishing with fixed nets and hand tackle:

- (a) Andenes: from longitude 15° 25' East to 16° East throughout the year;
- (b) Vesterålen: from latitude 69° 12' North to 69° 18' North from 16 May to 14 February, both dates inclusive;
- (c) Grimsbakken: from latitude 69° 43' North to 69° 47' North from 1 December to 15 April, both dates inclusive;
- (d) Fugløybanken: from longitude 19° East to 19° 30' East from 1 December to 15 April, both dates inclusive.

¹ United Nations, *Treaty Series*, vol. 437, p. 175. The Agreement came into force on 1 August 1962.

Article III

During the period indicated in article II of this Agreement the Government of the Union of Soviet Socialist Republics shall permit fishing vessels registered in the Kingdom of Norway and manned by Norwegian nationals to engage in fishing in Soviet territorial waters in Varangerfjord between the limits of six and twelve miles from the shore in a zone bounded to the south by a line drawn along the Soviet coast six miles from the shore, to the south-east by a line drawn six miles from the base line from which Soviet territorial waters are measured, running from the promontory at the entrance to the bay of Dolgaya Shchel through the north-western extremity of the island of Bolshoy Ainov to Cape Nemetsky on Rybachy Peninsula, and to the north-east by a line joining Cape Nemetsky to Cape Kibergnes, as indicated on the map¹ annexed to this Agreement.

Article IV

Fishing in the zones indicated in articles II and III of this Agreement shall be carried on in accordance with the annexed Protocol,² which is an integral part of the Agreement.

For purposes other than fishing, Norwegian nationals and vessels present in Soviet territorial waters shall be subject to the laws and regulations of the Union of Soviet Socialist Republics relating to the presence in these waters of foreign nationals and vessels, without prejudice to the provisions of this Agreement.

Particulars of such laws and regulations and of amendments and additions thereto shall be notified to the Government of the Kingdom of Norway through the diplomatic channel.

Article V

If at any time before 31 October 1970 either Contracting Party finds that there has been a radical change in the character of the fishing carried on by vessel of the other Party in the zones indicated in articles II and III of this Agreement, the Government concerned may raise the matter with the Government of the other country and they shall together review the position.

Article VI

If in the zones indicated in articles II and III of this Agreement fishing gear belonging to fishermen of one Party should be damaged by the fault of fishermen of the other Party, claims for compensation shall be examined in accordance with the Agreement³ between the Government of the Union of Soviet Socialist Republics and the Norwegian Government of 9 December 1959 concerning the handling of claims in connection with damage to fishing gear.

Article VII

The Contracting Parties shall take the appropriate steps to ensure compliance with the provisions of this Agreement by their nationals and by vessels registered in their territories.

...

¹ The map is not reproduced for technical reasons.

² *Infra*.

³ United Nations, *Treaty Series*, vol. 361, p. 93.

PROTOCOL
RULES FOR THE REGULATION OF THE FISHERIES

Chapter I
Rules concerning the registration
of fishing vessels

Article 1

1. The vessels of each of the Contracting Parties shall be registered in accordance with the rules in force in the country of which they fly the flag.
2. The competent authorities of each of the Contracting Parties shall specify one or more initial letters and a consecutive series of numbers for each port of registration or for each maritime district.
3. The Contracting Parties shall communicate to one another a list of these identification marks and shall notify one another of all subsequent modifications thereto.

Article 2

1. Every vessel shall bear, on the outside of the hull, clearly visible identification marks in the form of a letter or letters, the number under which the vessel is registered, the name of the port of registration, and the name of the vessel itself.
2. Small boats and all fishing implements shall be marked for identification purposes with a sufficiently clear and large letter or letters, and with the number of the vessel to which they belong. The ownership of nets or other fishing implements may be further distinguished by special marks.
3. The identification marks enumerated in paragraph 1 of this Article shall not be effaced, altered, made illegible or covered, nor shall the nationality of a vessel be concealed.

Article 3

1. The master of each vessel shall have with him an official document, issued by the competent authorities of his country, confirming the nationality of the vessel.
This document shall indicate the letter or letters and the number of the vessel, the name and nationality of the owner, or the name of the firm or company owning the vessel, and shall contain a precise description of the vessel.
2. Each vessel shall carry a ship's roll, drawn up by the competent authorities of the country concerned, showing the names, nationality and residence of all persons on board.

Article 4

Responsibility for ensuring that the provisions of articles 1, 2 and 3 of this Protocol are complied with shall rest with the competent authorities of the country to which the vessel belongs. The commanders of fishery protection vessels of each Contracting Party shall inform each other of any violation of these provisions by vessels registered in the territory of the other Contracting Party.

Chapter II

Procedure governing the operations of fishing

Article 5

Vessels arriving on fishing grounds where other vessels are already fishing or have set their gear for that purpose shall not place themselves or their lines, nets, buoys or other fishing implements in such a way as to interfere with or obstruct fishing operations already in progress.

Article 6

No vessel shall anchor or remain at anchor between sunset and sunrise on grounds where drift-net fishing is in progress during that period, except as a consequence of accident, shipwreck or other circumstances beyond the vessel's control.

Article 7

1. Nets and lines anchored in the sea shall be furnished at each end with flag buoys by day and with light buoys by night. These buoys shall be clearly visible at a distance of at least two miles.

2. On fishing gear referred to in paragraph 1 of this article extending for more than one mile, additional flag buoys or light buoys shall be placed at distances of not more than one mile from one another.

3. On fishing gear referred to in paragraph 1 of this article which is attached to a vessel, a flag buoy or light buoy shall not be required at the end attached to the vessel.

Article 8

1. Trawlers shall take all practicable steps to avoid anchored nets or lines in order to prevent damage to them, and in particular to avoid trawling between two buoys.

2. No vessel shall make fast to or hold on to the nets, buoys, floats, or any other part of the fishing tackle of another vessel.

Article 9

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves:

- (a) that the damage was done under circumstances beyond its control;
- (b) that the damage was not due to its fault;
- (c) that it had complied with the provisions of articles 5, 6, 7 and 8 of this Protocol and had done all that was possible to avoid the damage, or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of articles 5, 6, 7 and 8 of this Protocol, and that this circumstance had led to the damage.

Article 10

1. When nets belonging to different vessels foul each other, they shall not be severed without the consent of both parties unless it is impossible to disengage them by other means.

2. When vessels fishing with lines entangle their lines, the vessel which hauls up the lines shall not sever the lines of the other vessel unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

3. Except in cases of salvage and the cases enumerated in paragraphs 1 and 2 of this article, no vessel shall sever, hook or lift up fishing implements not belonging to it or damage them unnecessarily.

4. When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all measures to reduce to a minimum the damage to such gear which may result. The vessel to which the gear belongs shall at the same time avoid any action tending to aggravate such damage.

Article 11

All vessels, or their rigging, tackle and fishing implements or gear found and picked up at sea shall as soon as possible be delivered to the competent authorities in the first port in the territory of either Contracting Party to which the salving vessel puts in.

Such authorities shall, where the circumstances permit, inform the consular representative of the country of which the owner of the salvaged property is a national. The property shall be restored to the owner or to his representative as soon as it has been claimed and the interests of the salving vessel have been properly guaranteed.

The amount of the reward to be paid to the salving vessel shall be determined by the authorities of the country in whose territory is situated the port in which the salvaged property was delivered.

Article 12

No vessel shall, except by reason of distress, dump in the sea fishing gear, appurtenances or other articles which may obstruct or cause damage to fishing gear.

*Chapter III**Procedure relating to the policing of the fisheries**Article 13*

1. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article II of the Agreement shall rest with Norwegian fishery protection vessels.

2. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article III of the Agreement shall rest with Soviet fishery protection vessels.

3. The commanders of vessels referred to in paragraphs 1 and 2 of this article shall carry documentary proof of their right to superintend the conduct of fishing

operations, such documents to be drawn up in Russian and Norwegian and to be issued by the competent authorities of the appropriate Contracting Party.

Article 14

1. When the commander of a vessel referred to in paragraphs 1 and 2 of article 13 has reason to believe that a vessel of the other Contracting Party has infringed the provisions of chapter II of this Protocol, he or his representatives may board the said vessel and search it, insofar as such search is necessary in order to find the required evidence.

The commander of a fishery protection vessel or his representatives shall not remain longer on a vessel under search than is necessary for the conduct of the search.

Article 15

1. When a vessel belonging to the other Contracting Party is being searched, the commander of the fishery protection vessel shall draw up a statement, in Russian or Norwegian, of the reasons for and results of the search.

If, as a result of the search, the fact of an infringement by the fishing vessel of the provisions of chapter II of this Protocol is established, the Contracting Party whose representatives have discovered the infringement shall notify the other Contracting Party accordingly.

2. The master of a fishing vessel accused of infringing the provisions of chapter II of this Protocol, and the witnesses, shall be entitled to add observations to the statement, in their own language, and shall sign such observations.

M. S.

J. E.

10. ÉCHANGE¹ DE NOTES ENTRE LES GOUVERNEMENTS DE LA RÉPUBLIQUE FRANÇAISE ET DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD CONSTITUANT UN ACCORD PRÉCISANT, PAR RAPPORT À LA CONVENTION SUR LA PÊCHE OUVERTE À LA SIGNATURE À LONDRES DU 9 MARS AU 10 AVRIL 1964, LE STATUT DE CERTAINS ACCORDS DE PÊCHE ANTÉRIEURS À CETTE DERNIÈRE. LONDRES, 10 AVRIL 1964

No. 1

From the French Ambassador to Her Majesty's Principal Secretary of State for Foreign Affairs

Le 10 avril 1964

Monsieur le Secrétaire d'État,

Au moment de signer la Convention sur la pêche adoptée à Londres le 2 mars 1964, j'ai l'honneur d'appeler l'attention de Votre Excellence sur ce qui suit:

Le régime général de la pêche entre la France et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a été jusqu'à présent défini par la Convention du 2 août 1839 et par le Règlement général du 24 mai 1843.

¹ United Nations, *Treaty Series*, vol. 648, No. 9272.

Ces deux actes stipulaient une dérogation au régime général en ce qui concerne la baie de Granville. L'accord franco-britannique du 20 décembre 1928 a eu pour but de modifier certains détails de délimitation des eaux de la baie de Grandville auxquelles s'appliquait le régime particulier défini par les actes de 1839 et de 1843.

Par la suite un accord du 30 janvier 1951 a déterminé, en ce qui concerne les parages des Îles Minquiers et Écréhous, un régime d'exception au régime général de la pêche entre la France et la Grande-Bretagne, qui devait avoir un caractère définitif quelle que fût la décision de la Cour Internationale de Justice au sujet de l'attribution de la souveraineté sur ces îlots.

Au cours d'une conférence à laquelle le gouvernement britannique avait notamment invité les divers gouvernements intéressés par la pêche le long des côtes britanniques une Convention sur la pêche a été élaborée à Londres en mars 1964 et le régime défini par cette Convention a été par suite déterminé en accord avec le gouvernement français.

Il a été entendu entre les délégations française et britannique à la Conférence de Londres que la modification du régime général de la pêche entre les deux pays, qui résulterait de la Convention ouverte à la signature le 9 mars 1964, ne porterait pas atteinte aux régimes particuliers institués entre les deux pays en ce qui concerne la baie de Granville et les parages des îlots du groupe des Minquiers et des Écréhous. Une disposition spéciale a été introduite à cet effet à l'article 10(d) de ladite Convention.

En conséquence j'ai l'honneur de faire savoir à Votre Excellence que le gouvernement français est prêt à adopter les dispositions suivantes :

- (1) Les dispositions des actes ci-dessus mentionnés qui ne seront plus compatibles avec les dispositions de la nouvelle Convention, cesseront d'avoir effet lorsque celle-ci deviendra applicable entre les deux gouvernements.
- (2) Les dispositions de la Convention du 2 août 1839 du Règlement général du 24 mai 1843 et de l'accord franco-britannique du 20 décembre 1928 relatives au régime particulier de la pêche dans la baie de Granville, ainsi que les dispositions de l'accord franco-britannique du 30 janvier 1951, continuent à être applicables aux pêcheurs français et britanniques.
- (3) Les dispositions des actes visés au paragraphe 2 ci-dessus concernant le régime particulier de la pêche seront reprises dans un arrangement bilatéral qui sera conclu le plus rapidement possible entre les deux gouvernements.

Si les dispositions qui précèdent rencontrent l'agrément du Gouvernement du Royaume-Uni, j'ai l'honneur de proposer à Votre Excellence que la présente note et la réponse de Votre Excellence soient considérées comme constituant l'accord des deux gouvernements à ce sujet.

Je saisis, etc.

G. DE COURCEL

No. 2

*From Her Majesty's Principal Secretary of State for Foreign Affairs
to the French Ambassador*

April 10, 1964

Your Excellency,

I have the honour to refer to the Note which Your Excellency has addressed to me to-day on the occasion of the signature on behalf of the Government of the French Republic of the Fisheries Convention, the Protocol of Provisional Application of the Fisheries Convention, and the Agreement as to Transitional Rights. Your Excellency's Note reads in English translation as follows:

[As in translation of No. 1]

I have the honour to inform Your Excellency that the provisions set out in Your Excellency's Note are acceptable to the Government of the United Kingdom, that the Government of the United Kingdom will also apply these provisions, and that they will regard Your Excellency's Note and this reply as constituting an agreement between our two Governments to that effect.

I have, etc.

W.N. HILLIER-FRY

11. EXCHANGE¹ OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC REGARDING THE RIGHTS TO BE ACCORDED TO POLISH VESSELS WITHIN THE BRITISH FISHERY LIMITS TO BE ESTABLISHED ON 30 SEPTEMBER 1964. WARSAW, 26 SEPTEMBER 1964

I

*Her Majesty's Ambassador at Warsaw to the Acting Minister for Foreign Affairs
of the Polish People's Republic*

BRITISH EMBASSY

Warsaw, September 26, 1964

Monsieur le Ministre,

I have the honour to refer to the recent discussions in London between delegations representing the Fishery Authorities of our two countries.

As Your Excellency will be aware, as a result of these discussions the delegations agreed to recommend to their respective Governments the following arrangements in regard to the rights to be accorded to Polish vessels within the British fishery limits to be established on the 30th of September, 1964:

¹ United Nations, *Treaty Series*, vol. 539, p. 153. Came into force on 30 September 1964.

(1) Polish fishing vessels shall have the right to continue to fish for herring until the 31st of December, 1967, in the zone between six and twelve miles from the baselines of the territorial sea of the United Kingdom, subject to the general fishery regulations in force in that zone, in the area extending from a line due East of the Longstone Lighthouse to a line due East of the River Tyne North Pier Lighthouse.

(2) Polish mother ships shall be permitted to enter the British fishery limits outside the territorial sea for purposes ancillary to fishing provided that these ships comply with the regulations applicable within the fishery limits. The Government of the United Kingdom may terminate this permission by giving one year's notice in writing to the Polish Government starting from the 31st of December of any year. However, at least one month before giving such notice the Government of the United Kingdom shall inform the Polish Government of their readiness to enter into consultations on this matter.

(3) These arrangements shall be without prejudice to the rights of either Government under any multilateral agreement regarding fisheries in coastal waters which may hereafter take effect as between the two Governments.

On instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, I confirm that the above arrangements are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, and have the honour to propose that if they are also acceptable to the Government of the Polish People's Republic this Note and Your Excellency's reply to that effect should constitute an Agreement between the two Governments in this matter which shall enter into force on the 30th of September, 1964.

I avail myself, Monsieur le Ministre, of this opportunity to renew to Your Excellency the assurance of my highest consideration.

G. L. CLUTTON

II

*The Acting Minister for Foreign Affairs of the Polish People's Republic
to Her Majesty's Ambassador at Warsaw*

Excellency,¹

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date reading as follows:

[See note I]

I have the honour to inform you that the Government of the Polish People's Republic confirms the agreement set out in Your Excellency's Note, and agrees that your Note and this reply constitute an Agreement between the two Governments.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

M. NASZKOWSKI

Warsaw, September 26, 1964

¹ Translation by the Government of the United Kingdom of Great Britain and Northern Ireland.

12. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE CONTINUANCE OF FISHING BY NORWEGIAN VESSELS WITHIN THE FISHERY LIMITS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. LONDON, 28 SEPTEMBER 1964

Article 1

The United Kingdom Government, in fulfilment of the obligations in the Note addressed by Her Majesty's Chargé d'Affaires at Oslo to the Norwegian Minister for Foreign Affairs on the occasion of the signing on 17th November, 1960, of the Fishery Agreement² between the United Kingdom Government and the Norwegian Government and in consideration of the particular nature of the fisheries involved, agree that fishing vessels registered in the Kingdom of Norway (hereinafter referred to as "Norwegian vessels") may continue to fish within the fishery limits of the United Kingdom of Great Britain and Northern Ireland as provided in Articles 2 to 6 of this Agreement.

Article 2

Norwegian vessels may continue to fish until 31st December, 1984, in the zone between 6 and 12 miles from the baselines of the territorial sea of the United Kingdom:

(a) for dogfish: in the areas extending from a line due west of Ard an Runair (North Uist) northwards to a line due east of Start Point (Orkney) including the areas around the Flannan Islands, the Shetland Islands and Fair Isle and the off-lying islands of the St. Kilda Group, North Rona and Sulisker, Sule Skerry and Stack Skerry; and

(b) for basking sharks: in the same area as for dogfish and also in the area between a line due west of the Mull of Oa (Islay) and a line due west of Ard an Runair.

Article 3

Norwegian vessels may also continue to fish for dogfish and basking sharks off those parts of the coast described in Article 2 (a) and (b) of this Agreement up to a limit of three miles from the baselines of the territorial sea of the United Kingdom until 31st December, 1965, or where straight baselines or bay closing lines in excess of 10 miles are drawn, until 31st December, 1966.

Article 4

If the United Kingdom Government should extend to any third country any right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement the same right shall extend automatically to the Kingdom of Norway.

¹ United Nations, *Treaty Series*, vol. 548, p. 63. Entered into force on 11 March 1965.

² *Infra* 7.

Article 5

If at any time there has been a fundamental change in the character of the fishing carried on by Norwegian vessels in the areas described in Article 2 (a) and (b) of this Agreement, the United Kingdom Government may raise the matter with the Norwegian Government and the two Governments shall together review the position.

Article 6

Unless and until the two Governments otherwise agree, the rules of conduct to be enforced by the United Kingdom Government on Norwegian vessels fishing in the areas described in Article 2 (a) and (b) of this Agreement shall be those set out in the Convention for Regulating the Police of the North Sea Fisheries, signed at The Hague on 6th May, 1882.

Article 7

The United Kingdom Government shall not require Norwegian vessels to observe any conservation measures which have the effect of abridging the right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement, unless the Norwegian Government has agreed to such measures.

13. EXCHANGE¹ OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON MATTERS ARISING FROM THE ESTABLISHMENT BY THE UNITED KINGDOM OF THE FISHERY REGIME PROVIDED FOR BY THE FISHERY LIMITS ACT, 1964. MOSCOW, 30 SEPTEMBER 1964

I

Her Majesty's Chargé d'Affaires at Moscow to the Acting Minister for Foreign Affairs of the Union of Soviet Socialist Republics

BRITISH EMBASSY

Moscow, September 30, 1964

Your Excellency,

I have the honour to refer to the recent discussions in London between delegations representing the Governments of the Union of Soviet Socialist Republics and of the United Kingdom of Great Britain and Northern Ireland about matters arising from the establishment by the United Kingdom of the fishery régime provided for by the Fishery Limits Act, 1964.

As Your Excellency will be aware, as a result of these discussions the two delegations agreed to recommend to their respective Governments that, pending the

¹ United Nations, *Treaty Series*, vol. 539, p. 160. Entered into force on 30 September 1964.

conclusion of a formal agreement on a basis of reciprocity on the treatment to be accorded to fishing vessels and depot ships of each country within the limits of the other, they should approve the following temporary arrangements:

1. Fishing vessels and depot ships of the Soviet Union shall be permitted to anchor, navigate, transship fish and perform other activities ancillary to fishing operations within the belt between 3 and 12 miles from the baseline from which the territorial sea of the United Kingdom is measured around the Shetland Islands north of a line drawn due west from Esha Ness lighthouse and a line drawn due east from the southernmost point of Bressay. They shall comply with the fishery regulations there in force which shall not discriminate as between vessels of the Soviet Union and those of other countries.

2. These arrangements shall come into force as soon as they are approved by the two Governments, and shall remain in force until they are replaced by a more formal agreement or until the Government of the Soviet Union inform the Government of the United Kingdom that they no longer desire to make use of these arrangements subject, however, to the right of the Government of the United Kingdom at any time to give notice to the Government of the Soviet Union to terminate these arrangements, which shall then remain in force until the expiration of one year from the date on which such notice is given.

On instruction from Her Majesty's Principal Secretary of State for Foreign Affairs, I confirm that the above arrangements are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, and have the honour to propose that if they are also acceptable to the Government of the Union of Soviet Socialist Republics this Note and Your Excellency's reply to that effect should constitute an agreement between the two Governments in this matter which shall enter into force on the 30th of September, 1964.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Thomas BRIMELOW

II

*The Acting Minister for Foreign Affairs of the Union of Soviet Socialist Republics
to Her Majesty's Chargé d'Affaires at Moscow*

MINISTRY¹ OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Moscow, September 30, 1964

Mr. Chargé d'Affaires,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[See note I]

I have the honour to inform you that the arrangements set out above are acceptable to the Government of the Union of Soviet Socialist Republics and that

¹ Translation by the Government of the United Kingdom of Great Britain and Northern Ireland.

the Soviet side agrees that your Note and this reply to it should constitute an Agreement on this question between both Governments, which will enter into force on the 30th of September, 1964.

V. KUZNETSOV

14. (i) AGREEMENT¹ ON FISHERIES BETWEEN JAPAN AND THE REPUBLIC OF KOREA, SIGNED AT TOKYO, ON 22 JUNE 1965

Article I

1. The Contracting Parties mutually recognize that each Contracting Party has the rights to establish within twelve nautical miles measured from its coastal baseline a sea zone over which it exercises exclusive jurisdiction with respect to fisheries (hereinafter referred to as "fishery zone"). However, in case where either Contracting Party uses a straight baseline in establishing its fishery zone, it shall determine such straight baseline *upon* [through] consultation with the other Contracting Party.

2. The Contracting Parties shall not raise against each other any objection to the exclusion by either Contracting Party of the fishing vessels of the other Contracting Party from engaging in fishing operation in the fishery zone of that either Contracting Party.

3. The overlapping part of the fishery zones of the Contracting Parties shall be divided into two by the straight lines joining the two end-points of the part with the mid-point of the straight line drawn across that area at its widest point.

Article II

The Contracting Parties shall establish a joint regulation zone enclosed by the lines described below (excluding any territorial seas and the fishery zone of the Republic of Korea).

(a) Meridian 124° East Longitude north of 37° 30' North Latitude.

(b) Lines connecting the following points in order:

- (i) Intersection of 37° 30' North Latitude and 124° East Longitude
- (ii) Intersection of 36° 45' North Latitude and 124° 30' East Longitude
- (iii) Intersection of 33° 30' North Latitude and 124° 30' East Longitude
- (iv) Intersection of 32° 30' North Latitude and 126° East Longitude
- (v) Intersection of 32° 30' North Latitude and 127° East Longitude
- (vi) Intersection of 34° 34' 30" North Latitude and 129° 2' 50" East Longitude
- (vii) Intersection of 34° 44' 10" North Latitude and 129° 8' East Longitude
- (viii) Intersection of 34° 50' North Latitude and 129° 14' East Longitude
- (ix) Intersection of 35° 30' North Latitude and 130° East Longitude
- (x) Intersection of 37° 30' North Latitude and 131° 10' East Longitude
- (xi) Highest peak of Uamryung

¹ United Nations, *Treaty Series*, vol. 583, p. 130.

Article III

The Contracting Parties shall implement in the joint regulation zone, until such time as conservation measures necessary for the maintenance of the maximum sustained productivity of fishery resources are implemented on the basis of sufficient scientific surveys, the provisional regulation measures for fisheries described in the Annex, which constitutes an integral part of the present Agreement, with respect to drag-net fishing and seine fishing and to mackerel-angling fishing by fishing vessels of not less than 60 tons. (Tonnage is in gross tonnage and is indicated by deducting the tonnage allowed for improving living quarters of the vessel.)

Article IV

1. Policing (including halting and *inspecting* [visiting] of vessel) and court jurisdiction in the waters outside the fishery zone shall be carried out and exercised only by the Contracting Party to which the fishing vessel belongs.

2. Each Contracting Party shall give and exercise pertinent guidance and supervision in order to ensure that its nationals and fishing vessels observe faithfully the provisional regulation measures for fisheries, and shall enforce domestic measures, including appropriate penalties against violations thereof.

Article V

Joint resources survey zones shall be established outside the joint regulation zone. The extent of the said survey zones and the survey to be conducted within these zones shall be determined upon consultation between the two Contracting Parties on the basis of recommendation to be made by the Joint Fisheries Commission provided for in Article VI of the present Agreement.

Article VI

1. The Contracting Parties shall establish and maintain the Japan-Republic of Korea Joint Fisheries Commission (hereinafter referred to as "the Commission") in order to realize the objectives of the present Agreement.

...

Article VII

1. The Commission shall perform the following functions:

(a) Recommend to the Contracting Parties with respect to scientific survey to be conducted for the purpose of studying the fishery resources in waters of their common interest and to the regulation measures to be taken within the joint regulation zone on the basis of the results of such survey and study;

(b) Recommend to the Contracting Parties with respect to the extent of the joint resources survey zones;

(c) Review, when necessary, matters concerning the provisional regulation measures for fisheries and recommend to the Contracting Parties with respect to measures, including the revision of the provisional regulation measures, to be taken on the basis of the results of such review;

(d) Deliberate on necessary matters concerning the safety and order of operation between the fishing vessels of the Contracting Parties and on general principles of measures for handling accidents at sea between the fishing vessels of the Contracting

Parties, and recommend to the Contracting Parties with respect to measures to be taken on the basis of the results of such deliberation;

(e) Compile and study data, statistics and records to be provided by the Contracting Parties at the request of the Commission;

(f) Consider and recommend to the Contracting Parties with respect to the enactment of schedules of equivalent penalties for violations of the present Agreement;

(g) Submit annually to the Contracting Parties a report on the operations of the Commission; and

(h) In addition to the foregoing, deliberate on various technical questions arising from the implementation of the present Agreement, and recommend, when deemed necessary, to the Contracting Parties with respect to measures to be taken.

2. The Commission, in order to perform its functions, may, when necessary, establish subordinate organs composed of experts.

3. The Governments of the Contracting Parties shall respect to the extent possible the recommendations made by the Commission under the provisions of paragraph 1.

Article VIII

1. The Contracting Parties shall take measures deemed pertinent toward their respective nationals and fishing vessels in order to have them observe international practices concerning navigation, to ensure safety and maintain proper order in operation between the fishing vessels of the Contracting Parties and to seek smooth and speedy settlements of accidents at sea between the fishing vessels of the Contracting Parties.

2. For the purposes set forth in paragraph 1, the authorities concerned of the Contracting Parties shall, to the extent possible, maintain close contact and cooperate with each other.

...

(ii) EXCHANGE¹ OF NOTES CONCERNING THE STRAIGHT BASELINES CONNECTION WITH THE ESTABLISHMENT OF THE FISHERY ZONE OF THE REPUBLIC OF KOREA

KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to state that the Government of the Republic of Korea intends to determine the following straight baselines in connection with the establishment of the fishery zone of the Republic of Korea:

(1) Closing line of the mouth of bay by a straight line connecting the tips of Changgigap and Talmangap;

¹ *Ibid.*, p. 144.

(2) Closing line of the mouth of bay by a straight line connecting the tips of *Haamchu* [Hwaamchu] and *Pomwolgap* [Bomweolgab];

(3) Straight lines connecting in order the respective southern extremities of 1.5-Meter Am, *Sengdo* [Saengdo], Hongdo, *Kanyoam* [Ganyeoam], *Sangbekdo* [Sangbaegdo] and *Komundo* [Keomundo]; and

(4) Straight lines connecting in order the respective western extremities of *Soryongdo* [Soryeongdo], the *Sogyongnyolpido* [Seogyogyeolbido], *Ochondo* [Eocheongdo], Jikdo, *Sangwangdungho* [Sanghwangdeungdo] and *Hoengdo* [Hoengdo] (the Anma Islands).

I have the honour to state that, if Your Excellency would confirm, on behalf of the Government of Japan, that the Government of Japan has no objection with respect to the determination of the aforementioned straight baselines, the Government of the Republic of Korea will consider that the consultations with the Government of Japan on this matter have been completed.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[See note I]

I have the honour to state that the Government of Japan has no objection with respect to the determination by the Government of the Republic of Korea of the aforementioned straight baselines in connection with the establishment of the fishery zone of the Republic of Korea.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHIINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

(iii) EXCHANGE¹ OF NOTES CONCERNING THE FISHERY ZONE OF
THE REPUBLIC OF KOREA

I

KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to confirm the following understandings reached between the representatives of the two Governments:

As a provisional measure, the waters enclosed by the lines delimiting the fishery zone to be established by the Republic of Korea and the following lines shall for the time being *be treated as being included* [be included] in the fishery zone of the Republic of Korea.

(1) Straight lines connecting in order the intersection of 33° 48' 15" North Latitude and 127° 21' East Longitude, the intersection of 33° 47' 30" North Latitude and 127° 13' East Longitude and the point 12 nautical miles due east of Udo; and

(2) Straight line connecting the intersection of 33° 56' 25" North Latitude and 125° 55' 30" East Longitude and the intersection of 33° 24' 20" North Latitude and 125° 56' 20" East Longitude.

Upon receipt of Your Excellency's reply confirming, on behalf of the Government of Japan, the aforementioned understandings, the Government of the Republic of Korea will consider that this Note and Your Excellency's reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[See note I]

I have the honour to confirm that the aforementioned understandings are also the understandings of the Government of Japan and that the Government of Japan

¹ *Ibid.*, p. 148.

will consider that Your Excellency's Note and this reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

(iv) AGREED MINUTES¹ TO THE AGREEMENT ON FISHERIES BETWEEN
JAPAN AND THE REPUBLIC OF KOREA

The representatives of the Governments of Japan and the Republic of Korea have reached the following understandings concerning the Agreement on Fisheries between Japan and the Republic of Korea signed today:

3. *Re policing and violation concerning the provisional regulation measures for fisheries:*

(a) A duly authorized official on a patrol vessel of either country may immediately notify, when he discovers a fact which makes him believe with sufficient reasons that a fishing vessel of the other country is *actually and*² obviously violating the provisional regulation measures for fisheries, the fact to a duly authorized official on a patrol vessel of the other country to which such fishing vessel belongs. The Government of that other country *will* [shall] respect the notification in *carrying out enforcement* [policing such fishing vessel] and exercising its jurisdiction over such fishing vessel, and *will* [shall] notify the measures taken as a consequence to the Government of that either country.

(b) The patrol vessels of the two countries may, in *carrying out enforcement over* [policing] the fishing vessels of the respective countries with respect to the provisional regulation measures for fisheries, patrol jointly and maintain close contacts, as necessary, in accordance with the result of prior consultations between the authorities concerned of the two countries, in order to make their policing smooth and effective.

(c) Either Government *will* [shall], if requested by the other, render as much convenience as possible for the *observation* [inspection] of the state of policing within its country concerning the provisional regulation measures for fisheries to an official of the other who has been specially authorized for this purpose.

(d) Either Government *will, in carrying out enforcement over* [shall, in policing] the fishing vessels of its country with respect to the provisional regulation measures for fisheries, if requested by the other and if it deems such a request as appropriate, render *reciprocally* as much convenience as possible to officials of the other for

¹ *Ibid.*, p. 150.

² Does not appear in the English translation provided by the Government of the Republic of Korea.

boarding its patrol vessels engaging solely in *enforcement over* [policing] fisheries, for the purpose of observation of the actual state of policing.

...

8. *Re mutual respect for domestic fishing ban areas, etc.:*

(a) With respect to the fishing ban areas concerning drag-net fishing and concerning seine fishing, and the waters enclosed by the lines of 128° East Longitude, 128° 30' East Longitude, 33° 9' 15" North Latitude and 25° North Latitude concerning drag-net fishing, presently established by the Government of Japan, and with respect to the fishing ban areas concerning drag-net fishing and concerning trawl fishing presently established by the Government of the Republic of Korea, either Government *will* [shall] respectively take necessary measures to prevent fishing vessels of its country from engaging in such fishing operations in these waters of the other.

(b) The systems being *applied* [enforced] by the Government of the Republic of Korea with respect to drag-net fishing by the fishing vessels of the Republic of Korea of less than 50 tons in that part of the Yellow Sea which is within the aforementioned fishing ban areas of the Republic of Korea and with respect to drag-net fishing for prawn of the Republic of Korea in that part of the Japan Sea which is within the said fishing ban areas *will* [shall] be recognized as exceptions.

(c) A duly authorized official on a patrol vessel of either country may, when he discovers the fact that a fishing vessel of the other is operating in its areas referred to in (a), call attention of such fishing vessels to the fact and, at the same time, promptly notify the fact to a duly authorized official on a patrol vessel of the other. The Government of that other *will* [shall] respect the notification in *carrying out enforcement* [policing] and exercising its jurisdiction over such fishing vessel and *will* [shall] notify the measures taken as a consequence to the Government of that other country.

9. *Re innocent passage:*

It is confirmed that innocent passage (in the case of fishing vessels, it is restricted to cases where their fishing gear has been *put away* [stowed away]) through territorial seas and fishery zones *will be in accordance with* [shall conform to] the rules of international law.

10. *Re rescue at sea and emergency refuge:*

The two Governments *will* [shall] conclude arrangements as soon as possible with respect to rescue at sea and emergency refuge for fishing vessels of the two countries. Even prior to the conclusion of such arrangements, the two Governments *will* [shall] provide pertinent rescue and protection to the extent possible in accordance with international practice with respect to rescue at sea and emergency refuge for fishing vessels of the two countries.

Tokyo, June 22, 1965

15 EXCHANGE¹ OF NOTES CONSTITUTING AN AGREEMENT BETWEEN DENMARK AND NORWAY ON TRADITIONAL NORWEGIAN SPRAT FISHING IN THE KATTEGAT. COPENHAGEN, 19 DECEMBER 1966**

I

Copenhagen, 19 December 1966

Sir,

In connexion with the signing this day of the Agreement between Denmark, Norway and Sweden on reciprocal access to fishing in the Skagerrak and the Kattegat, I take the liberty, on the Danish Government's behalf, of proposing the following arrangement for Norwegian fishing in the Kattegat outside the area referred to in article 1 of that Agreement:

In the case of a change in the Danish fishery limits in the Kattegat, Norwegian fishing vessels may continue to engage in sprat fishing in the months of October, November and December in a water area bounded as follows:

On the south by the parallel of 57° 30' north latitude;

On the east by the meridian of 11° east longitude;

On the north by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse;

On the west by a line running between the points where the parallel of 57° 30' north latitude and the straight line running through the Skagen lighthouse and the Tistlarna lighthouse respectively intersect the Danish four-mile limit.

The relevant fishing shall, within the Danish fishery limits, be subject to Danish fishery regulations and Danish jurisdiction. The Danish Government shall, however, consult the Norwegian Government before introducing regulations that affect sprat fishing in the aforementioned area during the aforementioned months.

I have the honour further to propose that this note together with your reply shall constitute an agreement between the Danish and Norwegian Governments, which shall take effect from the entry into force of the aforementioned Agreement between Denmark, Norway and Sweden on reciprocal access to fishing in the Skagerrak and the Kattegat and shall continue to have effect as long as that Agreement is in force, it being understood that the Protocol annexed to that Agreement shall apply as appropriate to the arrangement set out herein.

Accept, Sir, the assurances of my highest consideration.

J.O. KRAG

Mr. B. Augdahl
Chargé d'Affaires a.i.
 The Royal Norwegian Embassy
 Copenhagen

¹ United Nations, *Treaty Series*, vol. 606, No. 8770.

II

ROYAL NORWEGIAN EMBASSY

Copenhagen, 19 December 1966

Sir,

I have the honour to acknowledge the receipt of your note to me of 19 December 1966, which reads as follows:

[See note I]

I have the honour to inform you that the Norwegian Government finds the proposed agreement acceptable and agrees that your note of today's date and this note of reply shall constitute an agreement between our two Governments.

Accept, Sir, the assurances of my highest consideration.

B. AUGDAHL

Mr. Jens Otto Krag
Prime Minister and Minister
for Foreign Affairs
The Royal Ministry of Foreign Affairs
Copenhagen

16. ÉCHANGE¹ DE NOTES DU 20 MARS 1967 CONSTITUANT ACCORD GÉNÉRAL SUR LA PÊCHE ENTRE L'ESPAGNE ET LA FRANCE

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

20 mars 1967

Unions internationales

A l'ambassade d'Espagne, Paris

Le ministère des affaires étrangères présente ses compliments à l'ambassade d'Espagne et a l'honneur de se référer à la réunion franco-espagnole destinée à la conclusion d'un accord général de pêche entre la France et l'Espagne qui a eu lieu à Paris du 23 au 25 janvier 1967.

Les représentants des deux gouvernements qui participaient à cette réunion étant parvenus à un accord en ont précisé les termes dans un procès-verbal qu'ils ont signé le 25 janvier 1967 et dont la teneur est la suivante:

Considérant l'intention des gouvernements des deux pays d'étendre à douze milles la limite de leur zone de pêche réservée, et compte tenu du fait que ces deux gouvernements sont parties à la convention sur la pêche signée à Londres le 9 mars 1964, les deux délégations sont convenues de ce qui suit:

I. — *Zone extérieure de 6 à 12 milles.* — a) Dans la zone extérieure de 6 à 12 milles, le long des côtes d'Espagne, les ressortissants français jouissent à titre permanent du droit de pêcher:

¹ Cet échange de notes a été publié en France par le Décret n° 67-633 du 23 juillet 1967.

- sur la côte atlantique, depuis l'embouchure de la Bidassoa jusqu'à la rive nord du rio Minho, toutes les espèces;
 - sur la côte de la Méditerranée, depuis la frontière franco-espagnole jusqu'au cap Creus, toutes les espèces.
- b) Dans la zone de 6 à 12 milles, le long des côtes françaises, les ressortissants espagnols jouissent à titre permanent du droit de pêcher :
- sur la côte atlantique, depuis l'embouchure de la Bidassoa jusqu'au parallèle de la pointe nord de Belle-Ile, toutes les espèces;
 - sur la côte de la Méditerranée, depuis la frontière jusqu'au cap Leucate, toutes les espèces.

II. — *Zone intérieure de 3 à 6 milles.* — 1. Les ressortissants de chacune des parties pourront continuer à pêcher dans la zone intérieure de l'autre partie jusqu'au 31 décembre 1968, sauf au large des parties des côtes où auront été tracées de nouvelles lignes de base droites ou de fermeture de baies, et où la période transitoire sera prolongée jusqu'au 31 décembre 1969.

2. Dans un but de protection des fonds, il est entendu qu'à une date aussi rapprochée que possible qui sera déterminée d'un commun accord entre les deux pays, le chalutage sera interdit sur les côtes atlantiques aux Espagnols dans la zone intérieure française et aux Français dans la zone intérieure espagnole.

3. Pour la pêche du poisson de surface les ressortissants de chacun des deux pays bénéficieront dans la zone intérieure atlantique de l'autre pays d'un délai supplémentaire de deux ans dans les conditions prévues au paragraphe 1 ci-dessus, soit jusqu'au 31 décembre 1970 ou au 31 décembre 1971 selon que de nouvelles lignes de base auront été tracées ou non.

III. — *Zone de 0 à 3 milles.* — Entre 0 et 3 milles, la pêche est interdite aux ressortissants de l'autre pays.

Néanmoins, les chefs des circonscriptions maritimes frontalières de la province de Guipuzcoa et du quartier de Bayonne pourront convenir de mesures de tolérance mutuelle de pêche conformes aux relations traditionnelles des populations côtières de part et d'autre de la frontière.

IV. — *Lignes de base.* — Les deux délégations se sont mutuellement informées de l'intention de leurs gouvernements d'établir de nouvelles lignes de base droites et de fermeture de baies conformes aux dispositions de la convention de Genève sur la mer territoriale. Les précisions qu'elles se sont communiquées sur les projets de tracés n'ont donné lieu à aucune observation ni d'un côté ni de l'autre.

V. — Les deux délégations ont été d'accord pour estimer que les dispositions mentionnées aux articles I, II et III s'inscrivent dans le cadre des arrangements de voisinage prévus par l'article 9 (§ 2) de la convention de Londres. Ces dispositions sont d'ailleurs fondées dans leur ensemble sur la reconnaissance des habitudes de pêche des ressortissants des deux pays. Il est entendu que pour l'application de ces dispositions les deux parties se conformeront aux dispositions générales prévues par la convention de Londres de 1964.

VI. — *Protection des fonds.* — Les deux délégations prennent note de l'accord intervenu en 1963 entre les experts des deux pays au sujet des mesures à prendre pour la protection des ressources, et notamment des stocks de merlu, dans le golfe de

Gascogne. Elles approuvent en particulier les projets qui sont actuellement étudiés par ces experts en vue de l'établissement de cantonnements.

VII. — Les conclusions auxquelles les deux délégations sont parvenues seront reprises aussitôt que possible dans un échange de lettres entre le ministère français des affaires étrangères et l'ambassade d'Espagne en France.

Le ministère des affaires étrangères a l'honneur de faire savoir à l'ambassade d'Espagne que le Gouvernement français approuve ce document et est prêt, pour sa part, à en appliquer les dispositions.

Le ministère suggère à l'ambassade que la présente note et la réponse de l'ambassade constituent un accord entre les gouvernements français et espagnol, qui entrera en vigueur à la date que portera la réponse de l'ambassade.

Le ministère des affaires étrangères saisit cette occasion pour renouveler à l'ambassade d'Espagne les assurances de sa très haute considération.

G. C.

AMBASSADE D'ESPAGNE
PARIS

N°203

Paris, le 20 mars 1967

Au ministère des affaires étrangères, Paris.

L'ambassade d'Espagne présente ses compliments au ministère des affaires étrangères et a l'honneur d'accuser réception de sa note verbale en date de ce jour se référant à la réunion hispano-française qui a eu lieu à Paris du 23 au 25 janvier 1967 en vue de la conclusion d'un accord général de pêche entre l'Espagne et la France.

Les représentants des deux gouvernements qui participaient à cette réunion étaient parvenus à un accord et en ont précisé les termes dans un procès-verbal qu'ils ont signé le 25 janvier 1967 et dont la teneur est la suivante :

« Considérant l'intention des gouvernements des deux pays... ».

L'ambassade d'Espagne à l'honneur de faire savoir au ministère des affaires étrangères que le gouvernement espagnol approuve ce document et est prêt, pour sa part, à en appliquer les dispositions.

L'ambassade d'Espagne donne son approbation à la suggestion selon laquelle la note du ministère et la réponse de l'ambassade constituent un accord entre les gouvernements espagnol et français, qui entrera en vigueur à la date de ce jour.

L'ambassade d'Espagne saisit cette occasion pour renouveler au ministère des affaires étrangères l'assurance de sa très haute considération.

P. C.

17. (i) AGREEMENT¹ CONCERNING THE DELIMITATION OF THE FISHERY AREAS OF NORWAY AND SWEDEN IN THE NORTH-EASTERN SKAGERRAK. SIGNED AT OSLO, ON 5 APRIL 1967**

The Government of the Kingdom of Norway and the Government of the Kingdom of Sweden,

Considering it desirable to regulate certain questions which arise where one or both of the countries extend their fishery limits,

And having considered the question of the application of the international arbitral award of 23 October 1909 fixing part of the sea frontier between Norway and Sweden,

Have, in so far as concerns the delimitation of the fishery areas in the north-eastern Skagerrak, agreed as follows:

Article 1

The delimitation of the Norwegian and Swedish fishery areas in the north-eastern Skagerrak shall be based, *inter alia*, on the following three points:

1. The point (hereinafter referred to as point A) where the frontier line established by the arbitral award of 1909 intersects the outer boundary of the Norwegian sea as drawn at a distance of one geographical mile (7,420 m) from the Norwegian baselines established by the Royal Decree of 18 July 1952 concerning the fishery limit south of Traena (*Norsk Lovtidend*, 1952, part 2, pp. 824 *et seq.*);
2. The easternmost point of deflection (hereinafter referred to as point B) on a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines;
3. The point of intersection (hereinafter referred to as point C) between a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines and a line drawn at a distance of twelve nautical miles from the Swedish baseline established by the Royal Notice of 3 June 1966 specifying the particulars for the calculation of the Swedish territorial sea (*Svensk författningssamling* No. 375).

The positions of the three points are defined in relation to the European Datum (first adjustment, 1950) and are as follows:

Point A: 58° 53' 34.0" N., 10° 38' 25.0" E.

Point B: 58° 46' 32.5" N., 10° 16' 05.3" E.

Point C: 58° 45' 41.3" N., 10° 35' 40.0" E.

Article 2

Sweden shall not object if Norway extends its fishery area up to a straight line (compass line) extending between points A and B. Sweden shall likewise not oppose the extension by Norway of its fishery area west of that line up to a line drawn at a distance of twelve nautical miles from the Norwegian baselines established by the aforementioned Royal Decree of 18 July 1952.

¹ Entered into force on 29 June 1967. The Agreement between Norway and Sweden concerning fishing in certain waters belonging to Norway and Sweden, signed at Oslo on 20 December 1950 (see ST/LEG/SER.B/6, pp. 800-801) has ceased to exist.

Article 3

Norway shall not object if Sweden extends its fishery area: up to the frontier line established by the arbitral award of 1909 between the westernmost point on the outer boundary of the Swedish territorial sea in the direction of Norway and point A, and up to a straight line (compass line) between points A and C.

Norway shall likewise not oppose the extension by Sweden of its fishery area south of the last-mentioned line up to a line drawn at a distance of twelve nautical miles from the Swedish baseline established by the aforementioned Notice of 3 June 1966.

Article 4

Subject to the limitations arising from the Agreement of 19 December 1966 between Norway, Sweden and Denmark on reciprocal access to fishing in the Skagerrak and the Kattegat and from article 6 of the present Agreement, Norway may exercise fishery jurisdiction in the sea area bounded by straight lines (compass lines) between points A, B and C.

Article 5

The positions of points A, B and C as defined in article 1 are indicated on the annexed chart (Norwegian marine chart No. 202), in which the boundary lines specified in articles 2, 3 and 4 are also shown.

Article 6

If Norway extends its fishery area to include the sea area specified in article 4, it shall, even after the expiry of the initial thirty-five-year period of validity of the Agreement of 19 December 1966, permit Swedish fishing vessels to engage freely in fishing operations within that area without being subject to Norwegian law or jurisdiction.

The right enjoyed by Swedish vessels under the first paragraph of this article shall lapse three years after notice of termination is given but not earlier than sixty years after the expiry of the aforementioned thirty-five-year period.

(ii) **DECLARATION CONCERNING THE TERRITORIAL SEA OF NORWAY AND SWEDEN IN THE NORTH-EASTERN SKAGERRAK. SIGNED AT OSLO, ON 5 APRIL 1967**

The Government of Norway and the Government of Sweden, having this day concluded, subject to ratification, an Agreement concerning the delimitation of the fishery areas of Norway and Sweden in the north-eastern Skagerrak, are agreed that, irrespective of the provisions governing the extent of the territorial sea of the two countries which may otherwise for the time being be in force, they shall not, without prior agreement between them, extend their respective territorial sea in the north-eastern Skagerrak beyond the lines indicated below.

The Government of Sweden accordingly undertakes, in relation to the Government of Norway, not to extend the Swedish territorial sea beyond a straight line (compass line) extending between:

the point (58° 53' 34.0" N., 10° 38' 25.0" E., corresponding to point A in the said Agreement) where the frontier line established by the international arbitral award of 23 October 1909 fixing part of the sea frontier between Norway and Sweden intersects the outer boundary of the Norwegian territorial sea as drawn at a distance of one geographical mile (7,420 m) from the Norwegian baselines established by the Royal Decree of 18 July 1952 concerning the fishery limit south of Traena (*Norsk Lovtidend*, 1952, part 2, pp. 824 *et seq.*) and the point of intersection (58° 45' 41.3" N., 10° 35' 40.0" E., corresponding to point C in the said Agreement) between a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines and a line drawn at a distance of twelve nautical miles from the Swedish baseline as established by the Royal Notice of 3 June 1966 specifying the particulars for the calculation of the Swedish territorial sea (*Svensk författningssamling* No. 375).

The Government of Norway similarly undertakes, in relation to the Government of Sweden, not to extend the Norwegian territorial sea beyond a straight line (compass line) extending between:

the aforementioned point (58° 53' 34.0" N., 10° 38' 25.0" E., corresponding to point A in the said Agreement) where the frontier line established by the arbitral award of 1909 intersects the outer boundary of the Norwegian territorial sea and the easternmost point of deflection (58° 46' 32.5" N., 10° 16' 05.3" E., corresponding to point B in the said Agreement) on a line drawn at a distance of twelve nautical miles from the Norwegian baselines established by the aforementioned Royal Decree of 18 July 1952.

The positions of the three points, which are defined in relation to the European Datum (first adjustment, 1950), are indicated in the annexed chart (Norwegian marine chart No. 202), in which the two boundary lines are also shown.

This Declaration shall enter into force on the date¹ of the exchange of the instruments of ratification in respect of the Agreement concerning the delimitation of the fishery areas of Norway and Sweden in the north-eastern Skagerrak.

18. AGREEMENT² BETWEEN DENMARK AND NORWAY CONCERNING THE EAST GREENLAND FISHERIES. SIGNED AT OSLO, ON 20 APRIL 1967**

The Government of the Kingdom of Denmark and the Government of the Kingdom of Norway, desiring to solve such problems as may arise for Norwegian nationals after the expiry of the Danish-Norwegian Convention of 9 July 1924 concerning East Greenland, have agreed as follows:

Article 1

1. Norwegian nationals and vessels shall, until 10 July 1977, enjoy the same rights as Danish nationals and vessels with regard to fishing in the waters off that part

¹ 29 June 1967.

² United Nations, *Treaty Series*, vol. 604, p. 103.

of the eastern coast of Greenland which extends from Lindenovs fjord (60° 27' north latitude) to Nordostrundingen (81° north latitude).

2. To the extent that Danish activities in the said waters are conditional upon the issue of a special permit, such permit shall, in accordance with the principle set out in paragraph 1, also be issued, in a corresponding manner, for Norwegian activities during the aforementioned period. The rules and the administrative procedure for the issuance of the permits shall be determined after discussion with the competent Norwegian authorities.

Article 2

1. If it appears that the arrangement referred to in article 1 is causing demonstrable harmful effects to the fisheries of the resident population of Greenland, the arrangement may be terminated before the expiry of the aforementioned period, provided that such termination may not take effect before 10 July 1972.

2. If the Danish Government wishes to exercise the option to terminate the arrangement, as provided in paragraph 1, it shall so notify the Norwegian Government at least one year in advance.

3. At the request of the Norwegian Government, negotiations between the parties shall then be undertaken with a view to solving such problems as may still exist for Norwegian nationals up to the date specified in article 1, paragraph 1, as a result of the expiry of the Danish-Norwegian Convention of 9 July 1924 concerning East Greenland.

4. If such negotiations do not result in agreement within six months after the date on which the Danish Government notified the Norwegian Government in accordance with paragraph 2, the matter may, at the request of either party, be submitted to a board consisting of two representatives from each side, together with an umpire whom the parties, in the absence of agreement, shall jointly ask the Swedish Government to appoint. The board may, if a decision cannot be reached before the expiry of the time limit specified in paragraph 2, and if it otherwise appears reasonable to do so, agree on a temporary postponement of the termination of the arrangement referred to in article 1 but not beyond the date specified in paragraph 1 of the same article. The decisions of the board shall be recognized by the parties as binding.

Article 3

After further discussion between the competent Danish and Norwegian authorities, supply bases for Norwegian vessels may be established at one or more places within the area specified in article 1 and the period specified in article 1, cf. article 2.

...

19. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
 BETWEEN BELGIUM AND DENMARK REGARDING THE FISHING
 RIGHTS OF BELGIAN FISHERMEN IN THE FISHERY ZONES OF
 DANISH WATERS. BRUSSELS, 29 JUNE 1967

I

Your Excellency,

I have the honour to acknowledge receipt of aide-mémoire No. 63.B.7 which Your Excellency addressed to me on 10 March 1967 for the purpose of informing the Belgian Government of the entry into force, from 1 July 1967, of the Danish law No. 195 of 26 May 1965 on maritime fisheries, and of inviting it to assert the rights which Belgian fishermen have habitually exercised in the regions affected by the new Danish legal provisions.

The Belgian Government notes that those provisions are in accordance with the Fisheries Convention, signed in London on 9 March 1964, of which Denmark and Belgium are Contracting Parties.

It notes that the talks opened at Copenhagen between the representatives of the two countries have established that Belgian fishermen have habitually fished off the Danish North Sea coast between Lyngvig and the German-Danish frontier. Belgian fishermen will therefore have the right, in accordance with the provisions of Articles 3 and 4 of the Convention of 9 March 1964, to fish for flat fish, the only stock which they had normally exploited, in the zone between six and twelve miles from the baseline of the territorial sea of Denmark.

The Belgian Government also takes note of the Danish Government's proposal to establish a period of one year, from 1 July 1967, as the transitional period provided under Article 9 of the London Convention, during which Belgian fishermen may continue to fish in those parts of Danish waters situated between Lyngvig and the German-Danish frontier, between three and six miles from the baseline of the territorial sea. It finds the proposal entirely satisfactory.

I have the honour to be, with the highest consideration,

Your Excellency's obedient servant,

(Signed) Pierre HARMEL

His Excellency
 Count Eggert Knuth
 Ambassador of Denmark
 Brussels

¹ United Nations, *Treaty Series*, vol. 606, No. 8780.

II

Brussels, 29 June 1967

Your Excellency,

I have the honour to acknowledge receipt of your letter of 29 June 1967, which reads as follows:

[See letter I]

I have the honour to inform you that the Danish Government signifies its agreement with the content of the foregoing letter.

I have the honour, to be, etc.

E. KNUTH

His Excellency Pierre Harmel
Minister for Foreign Affairs and Development Co-operation, etc.
Brussels.

20. AGREEMENT¹ ON FISHERIES BETWEEN NEW ZEALAND AND
JAPAN. SIGNED AT WELLINGTON ON, 12 JULY 1967

Article I

For the purpose of this Agreement, "the Area" means the waters which are contiguous to the territorial sea of New Zealand and extend to a limit of twelve nautical miles from the base line from which the territorial sea of New Zealand is measured.

Article II

Japanese vessels and persons on board those vessels will not engage in fishing in the Area, except that, until 31 December 1970, Japanese vessels duly licensed by the Government of Japan may engage in bottom fish long-line fishing on a scale to be agreed upon between the two Governments in terms of the number of mother ships and their tonnage, within the waters between six and twelve nautical miles from the base line from which the territorial sea of New Zealand is measured, in that part of the Area:

(a) Off the coast of the North Island of New Zealand and adjacent islands;
and

(b) Off the northern coast of the South Island of New Zealand and adjacent islands, north of 41° 30' South Latitude and east of 172° 30' East Longitude.

Article III

Any infringement of the provisions of this Agreement by a Japanese vessel will be dealt with either by the New Zealand or by the Japanese authorities, and the two Governments may make arrangements in accordance with which their respective jurisdictions will be exercised.

¹ Department of External Affairs publication No. 335, Wellington, 1967.

Article IV

The New Zealand authorities may visit Japanese vessels within the Area to inspect their licences and to ascertain that the provisions of this Agreement are being observed.

21. EXCHANGE¹ OF NOTES CONSTITUTING AN AGREEMENT BETWEEN DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING GERMAN FISHING RIGHTS IN THE DANISH FISHERY ZONE. BONN, 30 NOVEMBER 1967**

I

MINISTRY OF FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY

Bonn, 30 November 1967

Sir,

I have the honour, on behalf of the Government of the Federal Republic of Germany, to state as follows:

The Federal Government has been informed that, in pursuance of the Danish Act No. 195 of 26 May 1965, a fishery zone has been established, with effect from 1 July 1967, in the coastal waters of the Kingdom of Denmark. This has been done in conformity with the European Fisheries Convention, which was signed in London on 9 March 1964 by our two Governments.

In the course of the discussions which took place on 22 and 23 August of this year between representatives of our two Governments, it was agreed that German traditional fisheries within the meaning of articles 3 and 4 of the aforementioned Fisheries Convention exist to the following extent off the Danish coast:

a. *Shrimp*

From the frontier in the North Sea to the parallel of latitude running through the southern tip of Skallingen.

b. *Flounder*

From the frontier in the North Sea to the parallel of latitude running through Bovbjerg lighthouse.

c. *Flounder and Norway lobster*

In the area north and east of Laesø bounded as follows:

- (i) West: from the northern tip of Skagen (Grenen) due north;
- (ii) South: from the entrance to Frederikshavn harbour to Northern Rønner lighthouse;
- (iii) South-west: to Syrodde lighthouse along a line on a true bearing of 532°.

¹ United Nations, *Treaty Series*, vol. 632, No. 9017.

d. *Flounder, Norway lobster and herring*

In the area about Anholt bounded as follows:

- (i) North-west: from Gerrild lighthouse to Nordbjerg on Anholt island;
- (ii) West: Syrodde lighthouse along a line on a true bearing of 532° to the point of intersection with the line Anholt lighthouse-Anholt lightship (position: 56° 47' 6"N, 11° 43' 8"E);
- (iii) South: the parallel of latitude running through Fornæs lighthouse.

e. *Flounder, herring and sprat*

In the area north of Sjaelland bounded in the north by the parallel of latitude running through Fornæs lighthouse.

German traditional fisheries shall, pursuant to article 9, paragraph (1), of the London Fisheries Convention, be allowed to continue to the aforementioned extent in the belt between three and six nautical miles from the baseline until 1 July 1968. After that date, the said traditional fisheries shall be allowed to continue in the belt between six and twelve nautical miles from the baseline.

The southern boundary of the Danish fishery zone shall consist provisionally of the line which was agreed upon in the Agreement of 9 June 1965 between our two States concerning the delimitation, in the coastal regions, of the continental shelf of the North Sea. The choice of this boundary line is not based on legal considerations but is intended solely to facilitate the supervision of the fisheries during a transitional period. The final determination of the southern boundary of the Danish fishery zone in the North Sea shall be made later by means of an agreement between the two Governments.

I take the liberty of proposing that this note and your note in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply and shall also apply to *Land* Berlin unless the Government of the Federal Republic of Germany delivers a contrary declaration to the Government of the Kingdom of Denmark within three months after the entry into force of this Agreement.

Accept, Sir, the assurances of my highest consideration.

Willy BRANDT

Mr. Knuth-Winterfeldt
Royal Danish Embassy
Bonn

II

ROYAL DANISH EMBASSY

Bonn, 30 November 1967

Sir,

I have the honour to acknowledge receipt of your note of 30 November 1967, which reads as follows:

[See note I]

I have the honour to inform you that my Government agrees with the contents of this note and with the proposal that your note and this reply shall constitute an

agreement between our two Governments which shall enter into force on the date of the present note.

Accept, Sir, the assurances of my highest consideration.

KNUTH-WINTERFELDT

His Excellency Mr. Willy Brandt
Federal Minister for Foreign Affairs
of the Federal Republic of Germany
