

DIVISION IV

FISHING AND CONSERVATION OF THE
LIVING RESOURCES OF THE SEA

Subdivision A. MULTILATERAL TREATIES

1. [PROTOCOL OF ACCESSION TO THE SANTIAGO DECLARATION ON THE "MARITIME ZONE", DONE AT QUITO ON 6 OCTOBER 1955]¹
2. PROTOCOL ON AMENDMENT OF THE AGREEMENT OF 20 DECEMBER 1962 CONCERNING THE PROTECTION OF THE SALMON POPULATION IN THE BALTIC SEA, DONE AT STOCKHOLM ON 21 JANUARY 1972²

The Contracting Parties to the Agreement concerning the protection of the salmon population in the Baltic Sea, signed at Stockholm on 20 December 1962, hereinafter termed "the Agreement", have, in accordance with the recommendation of 6 March 1969 of the Standing Committee set up under article 10 of the Agreement, agreed as follows:

Article I

Article 5, paragraph I, of the Agreement shall read as follows:

"The Contracting Parties shall not permit the use of floating trawls for salmon fishing. Similarly the Contracting Parties shall not permit, for the purposes of salmon fishing by drift net or hook and line, the use of gear having measurements other than those prescribed below."

Article II

The following provisions shall be inserted in the Agreement as article 5 (a):

"The Contracting Parties shall not permit salmon fishing by drift net or hook and line to be carried on, in international waters the area to which the Agreement applies, between 1 June and 25 August (both dates

¹ *Supra* Division I, Subdivision A, 1.

² Signed by Denmark, Poland, Federal Republic of Germany and Sweden. Danish German and Swedish texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 4 January 1974. Translation by the Secretariat of the United Nations. For the entry into force, see article V (2).

inclusive) or, anywhere in the area to which the Agreement applies, between 20 December and 10 January (both dates inclusive).

“Each Contracting Party shall issue regulations making it unlawful to land within those periods, salmon caught in said areas by drift net or hook and line.”

Article III

The following paragraph shall be added to article 6 of the Agreement:

“Paragraph 1 shall not apply to salmon caught with stationary gear inside the Swedish baseline north of the parallel of 60° latitude.”

Article IV

(1) Article 10, second paragraph, second sentence, shall read as follows:

“The Committee shall also, on the basis of available information, discuss the desirability of amendments and additions to the Agreement and shall if necessary submit appropriate proposals to the depositary Government.”

(2) The following provisions shall be inserted in the Agreement as article 10 (a):

“The depositary Government shall forward to the Contracting Parties for consideration every proposal received under article 10, second paragraph. The Contracting Parties shall notify the depositary Government of their acceptance of the proposal and the depositary Government shall notify the Contracting Governments of every acceptance reported to it, stating the date of receipt of the acceptance.

“The proposal shall enter into force for all Contracting Parties four months after the date by which the depositary Government is in possession of notices of acceptance from all Contracting Parties.”

Article V

(1) This Protocol shall be submitted to each Contracting Party to the Agreement for signature and ratification.

(2) This Protocol shall enter into force on the date by which all Contracting Parties to the Agreement have deposited instruments of ratification with the Government of the Kingdom of Sweden.

(3) Any State acceding to the Agreement after this Protocol has been submitted for signature shall at the same time accede also to this Protocol.

(4) The Government of the Kingdom of Sweden shall notify all Governments which have signed or acceded to the Agreement of the deposit of all instruments of ratification and of the date on which this Protocol enters into force.

3. AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, ICELAND AND NORWAY CONCERNING THE REGULATION OF FISHING OF THE ATLANTIC-SCANDINAVIAN HERRING, DONE AT OSLO ON 6 MARCH 1973¹

The Governments of the Union of Soviet Socialist Republics, Iceland and Norway, considering it necessary to regulate fishing of the Atlantic-Scandinavian herring with a view to conserving stocks of that fish,

Have agreed as follows:

Article 1

Fishing of the mature portion of stocks of Norwegian spring-spawning herring shall be prohibited in statistical regions I, II and Vb of the International Council for the Exploration of the Sea from the time of the entry into force of this Agreement.

This prohibition shall not extend to fishing connected with scientific research being conducted by fisheries institutions for the purpose of estimating stocks and migration.

Article 2

Each of the Contracting Parties shall undertake to limit its fishing of small herring and fat herring in statistical regions I and II of the International Council for the Exploration of the Sea to not more than 26 per cent of the amount which, according to available statistics, was caught by the Party concerned in 1969.

Article 3

The Contracting Parties shall take the necessary measures for the practical implementation of the provisions of articles 1 and 2 of this Agreement and shall inform each other of the measures taken.

Article 4

The competent organizations of the Contracting Parties shall send each other monthly data concerning fishing, as soon as the total catch exceeds 100 tons.

Article 5

This Agreement shall enter into force on the date of its signature by all three Parties and shall remain in force until 31 December 1973.

¹ Entered into force on 6 March 1973 in accordance with article 5. Russian text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 21 January 1974. Translation by the Secretariat of the United Nations.

4. ARRANGEMENT BETWEEN JAPAN, NORWAY AND THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE REGULATION OF ANTARCTIC PELAGIC WHALING, DONE AT TOKYO ON 6 SEPTEMBER 1973¹

The Governments of Japan, of the Kingdom of Norway and of the Union of Soviet Socialist Republics, being Parties to the International Convention for the Regulation of Whaling,² signed at Washington on 2 December 1946 (hereafter referred to as "the Convention"):

Have agreed upon the following arrangements:

Article 1

For the purpose of the present Arrangement, the term "season" shall mean the season during which the taking of baleen whales in the Antarctic is permitted under paragraph 7 (a) of the Schedule to the Convention.

Article 2

The total annual catches of fin whales and sei and Bryde's whales combined, authorized under the Convention to be taken in waters south of 40° South Latitude by pelagic expeditions, shall be allocated among the countries of the signatory Governments in the following manner:

Japan	867 fin whales
Norway	100 sei and Bryde's whales combined
Union of Soviet Socialist Republics	583 fin whales 1,768 sei and Bryde's whales combined

Article 3

The allocations mentioned in article 2 are not transferable as between one country and another.

Article 4

If a factory ship under the jurisdiction of a Government which is not a Party to the present Arrangement should engage in Antarctic pelagic whaling and that Government is or becomes a Party to the Convention, the present Arrangement shall be terminated.

Article 5

The present Arrangement shall enter into force on the day upon which it is signed by the Governments referred to in the preamble.

¹ English text, which is authentic, provided by the Permanent Representative of Norway to the United Nations in a note verbale of 21 January 1974.

² United Nations, *Treaty Series*, vol. 161, p. 72. The Convention as amended in 1956 is reproduced in ST/LEG/SER.B/15, pp. 827-831.

Article 6

The present Arrangement shall be operative until the end of 1973/74 season.

5. CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES IN THE BALTIC SEA AND THE BELTS, DONE AT GDANSK ON 13 SEPTEMBER 1973¹

The States Parties to this Convention

Bearing in mind that maximum and stable productivity of the living resources of the Baltic Sea and the Belts is of great importance to the States of the Baltic Sea basin;

Recognizing their joint responsibility for the conservation of the living resources and their national exploitation;

Being convinced that the conservation of the living resources of the Baltic Sea and the Belts calls for closer and more expanded co-operation in this region,

have agreed as follows:

Article I

The Contracting States shall:

Co-operate closely with a view to preserving and increasing the living resources of the Baltic Sea and the Belts and obtaining the optimum yield, and, in particular to expanding and co-ordinating studies towards these ends;

Prepare and put into effect organizational and technical projects on conservation and growth of the living resources, including measures of artificial reproduction of valuable fish species and/or contribute financially to such measures, on a just and equitable basis, as well as take other steps towards rational and effective exploitation of the living resources.

Article II

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters of the Baltic Sea and the Belts, excluding internal waters, bounded in the west by a line as from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

2. This Convention shall apply to all fish species and other living marine resources in the Convention area.

¹ Signed by Denmark, Finland, German Democratic Republic, Federal Republic of Germany, Polish People's Republic, Sweden and the Union of Soviet Socialist Republics. English text, which is authentic, transmitted by the Deputy Minister for Foreign Affairs of the Polish People's Republic with a letter dated 15 October 1973 addressed to the Chairman of the First Committee (GAOR, twenty-eighth session, agenda item 40, document A/C.1/1035-mimeographed).

Article III

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in regard to the limits of territorial waters and to the extent of jurisdiction over fisheries, according to international law.

Article IV

For the purpose of this Convention the term "vessel" means any vessel or boat employed in catching or treating fish or other living marine organisms and which is registered or owned in the territory of, or which flies the flag of, any Contracting State.

Article V

1. An International Baltic Sea Fishery Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of this Convention.

2. Each Contracting State may appoint not more than two representatives as members of the Commission and such experts and advisers to assist them as that State may determine.

3. The Commission shall elect a Chairman and a Vice-Chairman from amongst its members who shall serve for a period of four years and who shall be eligible for re-election, but not for two consecutive terms of office.

The Chairman and the Vice-Chairman shall be elected from the representatives of different Contracting States.

4. A member of the Commission elected as its Chairman shall forthwith cease to act as a representative of a State and shall not vote. The State concerned shall have the right to appoint another representative to serve in the Chairman's place.

Article VI

1. The Office of the Commission shall be in Warsaw.

2. The Commission shall appoint its Secretary and as it may require appropriate staff to assist him.

3. The Commission shall adopt its rules of procedure and other provisions which the Commission shall consider necessary for its work.

Article VII

1. The Commission shall adopt its financial rules.

2. The Commission shall adopt a two years budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget including any supplementary budget shall be contributed by the Contracting States in equal parts.

4. Each Contracting State shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article VIII

1. Except where the Commission decides otherwise, it shall hold its sessions every two years in Warsaw at such time as it shall deem suitable. Upon the request of a representative of a Contracting State in the Commission, provided it is endorsed by a representative of another Contracting State, the Chairman of the Commission shall, as soon as possible, summon an extraordinary session at such time and place as he determines, however not later than three months from the date of the submission of the request.

2. The first session of the Commission shall be called by the Depositary Government of this Convention and shall take place within a period of ninety days from the date following the entry into force of this Convention.

3. Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of votes of the Contracting States, present and voting at the meeting.

4. English shall be the working language of the Commission. The languages of the Signatory States are the official languages of the Commission. Only recommendations, decisions and resolutions of the Commission shall be made in these languages.

At meetings of the Commission any Contracting State has the right to have all the proceedings translated into its own language. All the costs related to such translations shall be borne by that State.

Article IX

1. It shall be the duty of the Commission:

(a) To keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analysing and disseminating statistical data, for example concerning catch, fishing effort, and other information;

(b) To work out proposals with regard to co-ordination of scientific research in the Convention area;

(c) To prepare and submit recommendations based as far as practicable on results of the scientific research and concerning measures referred to in Article X for consideration of the Contracting States.

2. In implementing its functions, the Commission shall, when appropriate, seek the services of the International Council for the Exploration of the Sea (ICES) and of other international technical and scientific organizations and shall make use of information provided by the official bodies of the Contracting States.

3. To perform its functions the Commission may set up working groups or other subsidiary bodies and determine their composition and terms of reference.

Article X

Measures relating to the purposes of this Convention which the Commission may consider and in regard of which it may make recommendations to the Contracting States are:

- (a) Any measures for the regulation of fishing gear, appliances and catching methods;
- (b) Any measures regulating the size limits of fish that may be retained on board vessels or landed, exposed or offered for sale;
- (c) Any measures establishing closed seasons;
- (d) Any measures establishing closed areas;
- (e) Any measures improving and increasing the living marine resources, including artificial reproduction and transplantation of fish and other organisms;
- (f) Any measures regulating and/or allocating between the Contracting States the amount of total catch or the amount of fishing effort according to objects, kinds, regions and fishing periods;
- (g) Any measures of control over the implementation of recommendations binding on the Contracting States;
- (h) Any other measures related to the conservation and rational exploitation of the living marine resources.

Article XI

1. Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article X of this Convention from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.

2. Any Contracting State may within ninety days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation.

A Contracting State may also at any time withdraw its objection and give effect to a recommendation.

In the event of an objection being made within the ninety-days period, any other Contracting State may similarly object at any time within a further period of sixty days.

3. If objections to a recommendation are made by three or more Contracting States, the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation.

4. The Commission shall notify each Contracting State immediately upon receipt of each objection or withdrawal.

Article XII

1. Each Contracting State shall take in regard to its nationals and its vessels appropriate measures to ensure the application of the provisions of

this Convention and of the recommendations of the Commission which have become binding for the Contracting State and in case of their infringement shall take appropriate action.

2. Without prejudice to the sovereign rights of the Contracting States in regard to their territorial sea and to the rights in their fishing zones, each Contracting State shall implement recommendations of the Commission binding on that State through its national authorities, within its territorial sea and in the waters under its fisheries jurisdiction.

3. Each Contracting State shall furnish to the Commission at such time and in such form as may be required by the Commission, the available statistical data and information referred to in Article IX paragraph 1 (a), as well as information on all actions taken by it in accordance with paragraphs 1 and 2 of this Article.

Article XIII

The Commission shall draw the attention of any State which is not a party to this Convention to such fishing operations, undertaken by its nationals or vessels in the Convention area, which might affect negatively the activities of the Commission or the implementation of the purposes of this Convention.

Article XIV

The provisions of this Convention shall not apply to operations conducted solely for the purpose of scientific investigations by vessels authorized by a Contracting State for that purpose, or to fish and other marine organisms taken in the course of such operations. Catch so taken shall not be sold, exposed or offered for sale.

Article XV

1. The Commission shall co-operate with other international organizations having related objectives.

2. The Commission may extend an invitation to any international organization concerned or to the Government of any State, not a party to this Convention, to participate as an observer in the sessions of the Commission or meetings of its subsidiary bodies.

Article XVI

1. Each Contracting State may propose amendments to this Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting States, which shall inform the Depositary Government about either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting States.

2. Each State which shall become a party to this Convention after the entry into force of an amendment in accordance with the provisions of paragraph 1 of this Article, is obliged to apply the Convention as amended.

Article XVII

1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depositary Government.

2. This Convention shall be open for accession to any State interested in preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States. Instruments of accession shall be deposited with the Depositary Government.

Article XVIII

1. This Convention shall enter into force on the ninetieth day following the date of the deposit of the fourth instrument of ratification or approval.

2. After entry into force of this Convention in accordance with paragraph 1 of this Article, the Convention shall enter into force for any other State, the Government of which has deposited an instrument of ratification, approval or accession, on the thirtieth day following the date of deposit of such instrument with the Depositary Government.

Article XIX

At any time after the expiration of five years from the date of entry into force of this Convention any Contracting State may, by giving written notice to the Depositary Government, withdraw from this Convention.

The withdrawal shall take effect for such Contracting State on the thirty-first of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

Article XX

1. The Depositary Government shall inform all Signatory and Acceding States:

(a) Of signatures of this Convention and deposit of each instrument of ratification, approval or accession, as well as of submitted declarations;

(b) Of the date of entry into force of this Convention;

(c) Of proposals relating to amendments to the Convention, notifications of acceptance and of the entry into force of such amendments;

(d) Of notifications of withdrawal.

2. The original of this Convention shall be deposited with the Government of the Polish People's Republic, which shall transmit certified copies thereof to the Government of all Signatory States and of all States which accede to this Convention.

3. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

Done at Gdansk this thirteenth day of September, one thousand nine hundred and seventy three, in a single copy drawn up in the Danish, Finnish, German, Polish, Russian, Swedish and English languages, each text being equally authentic.

6. ARRANGEMENT RELATING TO FISHERIES IN WATERS SURROUNDING THE FAROE ISLANDS, DONE AT COPENHAGEN ON 18 DECEMBER 1973¹

The Parties to this Arrangement,

Realizing that the scientific evidence available calls for immediate measures for the purpose of conservation of fish stocks in the Faroe Area (ICES Statistical Division V_b);

Considering the exceptional dependence of the Faroese economy on fisheries; and

Recognizing that the Faroe Islands should enjoy preference in waters surrounding the Faroe Islands;

Have agreed as follows:

Article 1

The fishing for the demersal species cod and haddock in the ICES Statistical Division V_b shall be limited annually as prescribed in the catch limitation scheme annexed hereto (Annex I),² which shall be an integral part of the present Arrangement.

Article 2

1. Contracting Parties directing their fisheries in the area solely towards demersal species other than those covered by article 1 shall not conduct their demersal fisheries in a way significantly different from those of the years 1968 to 1972.

Their annual catches from trawl fisheries shall not exceed by more than 10 per cent the highest figure they have respectively achieved in those years as recorded by the International Council for the Exploration of the Sea.

2. The annual catches of Parties to whom paragraph 1 applies and whose fleets fish solely by line and gill-nets in the area, shall not exceed by more than 25 per cent the highest figure achieved over the years 1968 to 1972 as recorded by the International Council for the Exploration of the Sea.

¹ United Nations, *Treaty Series*, vol. 925, No. I-13185. Entered into force on 1 January 1974 in accordance with article 6. Parties to the Arrangement are: Belgium, Denmark, France, the Federal Republic of Germany, Norway, Poland and the United Kingdom.

² Annex I is not reproduced in this volume.

3. Contracting Parties which have not habitually exercised fishing in the area shall limit their annual catches of demersal species mentioned in paragraph 1 to a maximum of 2,000 tons each.

Article 3

1. The sub-areas identified on the chart and accompanying description annexed hereto (Annexes II and III)¹ shall be closed for trawl fishing by vessels of all the Contracting Parties annually during the following months:

sub-area 1: 15 February to 15 May

sub-area 2: 1 June to 30 November

sub-area 3: 1 April to 30 June and 1 October to 31 December

sub-area 4: 1 December to 31 March and 1 May to 31 May

sub-area 5: 1 March to 31 March.

2. The maximum allowable size in terms of Gross Register Tons of trawlers fishing within the sub-areas mentioned in paragraph 1 shall not exceed the size habitually used before the end of the year 1973.

Article 4

Notwithstanding the provisions in article 3 small Faroese vessels may continue trawl fishing in the sub-areas mentioned in article 3.1 for the following annual quantities of demersal stocks:

In sub-area 2: 1,250 tons

In sub-area 3: 1,250 tons

In sub-area 4: 500 tons.

These quotas form part of the total Faroese quota according to the catch limitation scheme annexed hereto.

Article 5

Nothing in the present Arrangement shall be deemed to prejudice the views of any Contracting Party as to the delimitation and limits in international law of territorial waters, adjacent zones or jurisdiction in fishery matters.

Article 6

1. The present Arrangement shall enter into force on 1 January 1974.

2. Any Contracting Party may request a review of the Arrangement.

3. Any Contracting Party may withdraw from the Arrangement by means of a notice in writing addressed to the depositary Government who will notify the other Contracting Parties. Any such denunciation shall take effect six months after the date on which such notice is given.

...

¹ The annexes are not reproduced in this volume.

Subdivision B. Bilateral Treaties

1. AGREEMENT BETWEEN BRAZIL AND THE NETHERLANDS CONCERNING SHRIMP, DONE AT BRASILIA ON 13 DECEMBER 1972¹

The Parties to this Agreement

Note the position of the Government of the Federative Republic of Brazil,

That it considers its territorial sea to extend to a distance of 200 nautical miles from Brazil's coast,

That the exploitation of crustaceans and other living resources, which are closely dependent on the sea-bed under the Brazilian territorial sea, is reserved to Brazilian fishing vessels,

And

That exceptions to this provision can only be granted through international agreements,

Note also the position of the Government of the Kingdom of the Netherlands that it does not consider itself obligated under international law to recognize territorial sea claims of more than 3 nautical miles nor fisheries jurisdiction of more than 12 nautical miles, beyond which zone of jurisdiction all nations have the right to fish freely, and that it does not consider that all crustaceans are living organisms belonging to sedentary species as defined in the 1958 Geneva Convention on the Continental Shelf, and further,

Recognizing that the difference in the respective juridical positions of the Parties has given rise to certain problems relating to the conduct of shrimp fisheries,

Considering the tradition of both Parties for resolving international differences by having recourse to negotiations,

Believing that their common interests as coastal states in the conservation of shrimp resources should be effectively safeguarded and their diverging interests regarding shrimping reconciled, and that therefore it is desirable to arrive at an interim solution for the conduct of shrimp fisheries without prejudicing either Party's legal position concerning the extent of territorial seas or fisheries jurisdiction under international law,

Concluding that, while general international solutions to issues of maritime jurisdiction are being sought, it is desirable to conclude the following interim Agreement,

¹ United Nations, *Treaty Series*, vol. 903, No. 1.12891. In force on 1 January 1973 until 1 January 1974 in accordance with article XIV. Extended to 30 June and 31 December 1974 by exchanges of Notes effected, respectively, 31 December 1973 and 24 June 1974 (TIAS 7770 and 7862).

Have agreed as follows:

Article I

This Agreement will by no means establish any precedent as to the contents of any subsequent agreement.

Article II

Nothing contained in this Agreement shall be interpreted as prejudicing the position of either Party regarding the matter of territorial seas or fisheries jurisdiction under international law.

Article III

This Agreement shall apply to the fishery for shrimp:

(a) Of the species *Penacus (M) duorarum notialis*, *Penacus brasiliensis* and *Penacus (M) aztecus subtilis*;

(b) In an area having the isobath of thirty (30) metres as the south-west limit and the latitude 1° north as the southern limit and 47° 30' west longitude as the eastern limit;

(c) During a season limited to the period from 1 March to 30 November. However, shrimp fishing in that part of the above-mentioned area south-east of a bearing of 240° from Ponta do Céu radio-beacon shall be limited to the period 1 March to 1 July;

(d) By twenty (20) Surinam vessels flying the Kingdom of the Netherlands flag.

Article IV

Taking into account their common interests in the conservation of shrimp resources, the Parties agree that in the conduct of shrimping activities destructive practices in general should be prevented, in particular the following:

(a) The use of gear and equipment known to have destructive effects on the stocks, including electric equipment for fishing purposes;

(b) The use of chemical, toxic or explosive substances in or near the fishing areas;

(c) The discharge of oil and organic waste;

(d) Fishing in spawning and breeding areas.

Article V

1. Information on catch and effort and biological data relating to shrimp fisheries in the area defined in Article III shall be collected and exchanged by the Parties.

2. Each vessel fishing under this Agreement shall maintain a fishing log, according to the model provided for in the Annex.¹ Such fishing logs shall be

¹ Not reproduced in this volume.

delivered quarterly to the appropriate Party which shall use the data therein contained, and other information it obtains about the area defined in Article III, to prepare reports which shall be transmitted periodically to the other Party as appropriate.

3. Duly appointed organizations from both Parties shall meet in due time to exchange scientific data, publications and knowledge acquired on the shrimp fisheries in the area defined in Article III.

Article VI

1. The Party which under Article VII has the responsibility for enforcing observance of the terms of this Agreement by vessels of the other Party's flag shall receive from the latter Party the information necessary for identification and other enforcement functions, including the name of the vessel, copies of the documents of the vessel (registry certificate, up-to-date seaworthiness certificates, insurance certificate) port of registry, port where operations are usually based, general description and photograph in profile, radio frequencies by which communication may be established, main engine horsepower and speed, length (which shall not exceed eighty-five feet) and fishing methods and gear employed.

2. Such information shall be assembled and organized by the flag Government and communications relating to such information shall be carried out each year through diplomatic channels.

3. The Party which receives such information shall verify whether it is complete and in good order, and shall inform the other Party about the vessels found to comply with the requirements of paragraph 1 of this Article, as well as about those which would for some reason, require further consultation among the Parties.

4. Each of these vessels found in order shall receive and display an identification sign as provided for in the Annex.¹

Article VII

The Parties agree that for the implementation in a specific shrimping area of measures pertinent to the attainment of objectives as those pursued in a bilateral agreement such as the present one, enforcement by one of the Parties is needed. They further agreed that, despite the difference in their respective legal positions as to the extent of territorial waters and fisheries jurisdiction, and without prejudice to said positions, it shall be incumbent on the Government of the Federative Republic of Brazil to ensure the proper conduct of shrimp fisheries in the area defined in Article III.

Article VIII

1. A duly authorized official of the Government of the Federative Republic of Brazil, in exercising the responsibility described in Article VII may, if he has reasonable cause to believe that any provision of this

¹ Not reproduced in this volume.

Agreement has been infringed, board and search a shrimp fishing vessel. Such action shall not unduly hinder fishing operations. When, after boarding or boarding and searching a vessel, the official continues to have reasonable cause to believe that any provision of this Agreement has been infringed, he may seize and detain such vessel. In the case of boarding or seizure and detention of a Surinam vessel, the Government of the Federative Republic of Brazil shall promptly inform the Government of the Kingdom of the Netherlands of its action.

2. After compliance with the provision of item (c) of Article XI, a Surinam vessel seized and detained under the terms of this Agreement shall, as soon as practicable, be delivered to an authorized official of the Kingdom of the Netherlands at the nearest Brazilian port to the place of seizure, or any other place which is mutually acceptable to the competent authorities of both Parties. The Government of the Federative Republic of Brazil shall, after delivering such vessel to an authorized official of the Kingdom of the Netherlands, provide a certified copy of the full report of the infringement and the circumstances of the seizure and detention.

3. If the nature of the infringement warrants it, and after carrying out the provision of Article XIII, vessels may also suffer forfeiture of that part of the catch determined to be taken illegally and forfeiture of the fishing gear.

4. In the case of vessels delivered to an authorized official of the Kingdom of the Netherlands under paragraph 2 of this Article, the Government of the Federative Republic of Brazil will be informed of the institution and disposition of any case by the Kingdom of the Netherlands.

Article IX

The vessels mentioned in Article III shall land the catch in Surinam, trans-shipment being permitted only between said vessels.

Article X

The Parties shall examine the possibilities of co-operating in the development of their fishing industries; the expansion of the international trade of fishery products; the improvement of storage, transportation and marketing of fishery products; and the encouragement of joint ventures between the fishing industries of the two Parties.

Article XI

In connexion with the enforcement arrangements specified in Article VII, including any unusual incurred in carrying out under the terms of paragraph 1 of Article VIII, the seizure and detention of a Surinam vessel registered in accordance with paragraph 1 of Article VI, the Government of the Federative Republic of Brazil will be compensated in the following amounts:

(a) US\$ 100.00 (one hundred USA dollars) per vessel for each month of operation in the 1972 season, this amount being calculated from a date one month following the date on which the information on the vessel is

considered complete and in good order, according to paragraph 3 of Article VI;

(b) US\$ 900.00 (nine hundred USA dollars) per vessel for the 1973 season;

(c) US\$ 100.00 (one hundred USA dollars) for each day a vessel is detained by Brazilian enforcement authorities, pursuant to the terms of paragraph 1 of Article VIII.

Article XII

At the request of either Party, both Parties shall, within one month, conduct consultations for a review of the operation of this Agreement or of its provisions.

Article XIII

Problems concerning the interpretation and implementation of this Agreement shall be resolved through diplomatic channels.

Article XIV

This Agreement shall enter into force on 1 January 1973 and shall remain in force until 1 January 1974, unless the Parties agree to extend it.

2. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE STATE OF SPAIN CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES, DONE AT OTTAWA ON 18 DECEMBER 1972¹

I

Canadian note

Ottawa, 18 December 1972

No. FLA-672

Excellency,

I have the honour to refer to the negotiations which have taken place between representatives of our Governments concerning the amendments of 26 June 1970, to the Territorial Sea and Fishing Zones Act of Canada,² and the designation, by Order in Council P.C. 1971-366 of 25 February 1971,³ of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these negotiations the Canadian Government proposes the following:

¹ United Nations, *Treaty Series*, vol. 869, No. 12480. Entered into force on 18 December 1972.

² The Act as amended is reproduced in part in ST/LEG/SER.B/16, pp. 4-6.

³ The Order is reproduced in part *Ibid.*, pp. 286-288.

1. The Government of Canada and the Government of the Spanish State will examine jointly the possibility of entering into an agreement providing for bilateral co-operation with respect to their future fishery relations on such matters as: conservation and management of the living resources of the sea; exchanges of scientific information between Governments and the provision of scientific and technical information to the fishermen of both countries; exchanges of technical personnel; studies of the economic and social aspects of the fishing of both countries relevant to possible future economic co-operation on fishery matters; arrangements to ensure co-operation in orderly methods of fishing; collaboration on problems of contamination of fisheries; joint oceanographic research; and the creation of a joint *ad hoc* commission to carry out such functions including settlement of disputes as may contribute to future fisheries co-operation between the two countries.

2. Spanish fishing vessels may continue to fish for cod by trawl until 30 November 1978, in those areas of the outer nine miles of the territorial sea of Canada where such vessels have fished during the period of five years immediately preceding 31 December 1970, subject to the provisions of subparagraphs 4, 5 and 7. These areas are illustrated on the charts marked as Annexes A and B¹ to this Note. The territorial sea on the Atlantic coast of Canada is measured from baselines as determined by the provisions of Annex C to this Note.

3. Spanish fishing vessels may continue to fish in the Gulf of St. Lawrence for cod by trawl in the months of January to July inclusive until 31 July 1976, in the area illustrated on the attached chart marked as Annex A to this Note, subject to the provisions of subparagraphs 4 and 5.

4. Spanish fishing vessels operating in the area referred to in subparagraphs 2 and 3 shall be subject, without discrimination in form or fact, to the same laws and regulations as Canadian fishing vessels. The Canadian authorities shall inform the Spanish authorities, within one month of the coming into force of the present agreement, of the fishing laws and regulations applicable to the said areas.

5. If at any time before 31 May 1978, the Canadian Government considers that there has been a substantial change in the intensity, character or pattern of the fishing activities carried out by Spanish vessels in any of the areas referred to in subparagraphs 2 and 3, the Canadian Government may raise the matter with the Spanish Government and both Governments shall review the situation jointly.

6. The Canadian Government undertakes to review in good faith at the request of the Government of the Spanish State the provisions of this exchange of Notes prior to the expiration of the periods referred to in subparagraphs 2 and 3, including the consideration of a continuance of the Spanish fishing effort in the areas covered by the present Agreement, on the basis of a licence or licences to be determined by the Canadian Government taking into account the nature, extent and social and economic characteristics of the Spanish fishing effort, and the conservation requirements of fishery resources.

¹ The annexes are not reproduced in this volume.

7. The Canadian authorities will give the Spanish authorities advance notice of particular areas and periods during which concentrations of gear of inshore fishermen may occur in those areas of the outer nine miles of the territorial sea of Canada where Spanish trawlers have fished during the period of five years immediately preceding 31 December 1970. The Spanish authorities will transmit any such information to Spanish trawlers likely to fish in such areas and will request such vessels, before actually fishing, to establish communication, as appropriate, with the Regional Fisheries Office of the Canadian Government in Halifax, Nova Scotia, or St. John's, Newfoundland, to obtain current information about the local situation for the purpose of enabling vessels the better to avoid damage to gear. The Spanish Government will not object to action by the Canadian authorities in cases of emergency to direct Spanish fishing vessels clear of gear concentrations, provided that Canadian and other fishing vessels of a similar size and class are subject to the same directions.

8. The present exchange of Notes does not in any way prejudice the position of either Government regarding the status of the waters mentioned herein.

If the foregoing proposals are acceptable to your Government I have the honour to propose that this Note, together with its Annexes, in English and French, and Your Excellency's reply in Spanish, shall constitute an agreement between the Government of Canada and the Government of the Spanish State, the English, French and Spanish versions of which shall be equally authentic. This Agreement shall enter into force on the date of your reply.

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

The Secretary of State
for External Affairs

His Excellency Juan José Rovira,
Ambassador of Spain,
Ottawa

II

Spanish note

Embassy of Spain
Ottawa, 18 December 1972

Sir,

I have the honour to acknowledge receipt of your Note of today's date, of which the Spanish translation reads as follows:

[See English version under note I.]

I have the honour to confirm the agreement of the Spanish Government to the foregoing.

Accept, Sir, the testimony of my highest consideration.

Juan José Rovira
Ambassador of Spain

The Honourable Mitchell Sharp
Minister of External Affairs
Ottawa

3. [AGREEMENT BETWEEN AUSTRALIA AND INDONESIA CONCERNING CERTAIN BOUNDARIES BETWEEN PAPUA NEW GUINEA AND INDONESIA, DONE AT CANBERRA ON 26 JANUARY 1973, ARTICLE 7]¹
4. AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA ON RECIPROCAL FISHING PRIVILEGES IN CERTAIN AREAS OFF THEIR COASTS, DONE AT OTTAWA ON 15 JUNE 1973²

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

Considering that both Governments have established exclusive fishery zones;

Recognizing that fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones;

Deeming it desirable to establish the terms and conditions under which nationals and vessels of each of the two countries may conduct, on a reciprocal basis, commercial fishing operations within certain areas off their coasts; and

Having in mind the mutuality of interest on the part of the two countries in the conservation and rational exploitation of certain living marine resources off their coasts;

Have agreed as follows:

1. For the purposes of this Agreement,
 - (a) The reciprocal fishing area of the United States of America shall be the fishing zone established in 1966 south of 63° north latitude;
 - (b) The reciprocal fishing area of Canada shall be as follows:
 - (i) In those "Areas" listed in Order-in-Council P.C. 1967-2025, and Order-in-Council P.C. 1969-1109, issued by the Government of

¹ *Supra* Division II, Subdivision B, 7.

² United Nations, Treaty Series, vol. 916, No. I-13078. In force on 16 June 1973 until 24 April 1974 in accordance with article 8. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 8 January 1975.

Canada on 8 November 1967, and 11 June 1969, respectively, those waters extending 9 miles seaward of the territorial sea of Canada as it existed in 1966;

- (ii) In those areas not listed in the Orders-in-Council cited above, those waters south of 63° north latitude which are contiguous to and extend from three to twelve miles from the coast of Canada, with the exception of bays where they cease to exceed 24 miles in breadth.

Nothing in this Agreement shall affect waters other than those referred to in this paragraph

2. Nationals and vessels of each country may continue to fish within the reciprocal fishing area of the other country, except that there shall be no such fishing for the following:

- (a) Any species of clam, scallop, crab, shrimp, lobster or herring;
- (b) Any salmon other than salmon taken by trolling off the Pacific coasts of the United States and Canada west of a line joining Bonilla Point and Tatoosh Island; north of a line projected due west from Carroll Island (latitude 48° 00.3' North, longitude 124° 43.3' West) and south of a line projected from Bonilla Point to the intersection of the outer limits of the reciprocal fishing areas of the United States and Canada (latitude 48° 29.7' North, longitude 125° 00.7' West);
- (c) Any black cod other than:
 - (i) A catch not to exceed 30,000 pounds annually taken by longline or pot gear off the west coast of Alaska between lines projected southwest (225° true) from Cape Ommaney and Cape Bingham respectively during the open seasons specified for fishing for black cod in the adjacent territorial sea; and
 - (ii) A catch not to exceed 15,000 pounds off the west coast of Vancouver Island between lines projected southwest (225° true) from Estevan Point and Cape Scott respectively;
- (d) Any tuna other than a catch not to exceed 500 tons annually taken south and west of a line projected due east from Chatham Light on Cape Cod. Not more than two Canadian vessels exceeding 150 feet in overall length may take tuna within the area described, and only at such times and in the same general area as that in which United States tuna vessels exceeding 150 feet in overall length are fishing.

Subject to its domestic legislation, each Government will continue to permit transfers of herring between nationals and vessels of the two countries within the reciprocal fishing areas. The Governments agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction.

3. Nationals and vessels of either country will not initiate fisheries within the reciprocal fishing area of the other country for species which are fully utilized by fishermen of the latter country. If fishermen of either country wish to initiate a fishery within any part of the reciprocal fishing area of the other country for species not fully utilized, their Government will first consult with the other Government and reach an understanding concerning conditions for such a fishery.

4. Regulations established by one country pertaining to the taking or possession of fish within its reciprocal fishing area shall apply equally to the nationals and vessels of both countries operating within such area; in areas of the reciprocal fishing area of Canada in which Canadian domestic regulations at present prohibit trawl fishing by vessels exceeding 65 feet in length, such fishing by United States vessels exceeding 65 feet is also prohibited. These regulations shall be enforced by the Government which issued them. Should either Government consider it necessary to alter such fishery regulations, that Government shall notify the other Government of such proposed changes 60 days in advance of their application. Should such changes in fishery regulations require major changes in fishing gear, an adequate period of time, up to one year, will be afforded the nationals and vessels of the other country to adapt to such changes prior to their application.

5. The two Governments recognize the desirability of co-ordinating their regulations for certain salmon fisheries and agree as follows:

(a) The appropriate fishery management authorities of the two countries shall consult frequently with a view to co-ordinating the regulatory measures to be applied by them to the fisheries for coho and chum salmon in British Columbia Statistical Area 20 and Statistical Areas 1 and 2 of the Washington State Department of Fisheries;

(b) With respect to the chinook salmon fishery in the portion of Washington State Statistical Area 1 bounded on the north by the international boundary, on the east by the low-water line bordering the western and southern shores of Point Roberts peninsula, on the south by a line projected from Lily Point to Georgina Point on Mayne Island between Lily Point and its point of intersection with the boundary line, and, on the west by the international boundary and with respect to the chinook salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of co-ordinating regulations regarding the open fishing days for the two specified areas. The Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials. The United States officials shall, to the extent consistent with the needs of the United States fishery, designate the same open fishing days for the specified United States areas as are designated for the specified Canadian area and shall, in any case, designate the same number of open fishing days as designated for the specified Canadian area;

(c) With respect to the chum salmon fishery in the section of Washington State Statistical Area 1 westward of Point Roberts peninsula, bounded on the north by the international boundary, on the east by the low-water line of Point Roberts peninsula, and by a line projected from Iverson Dock (Point Roberts) to Turning Point No. 1 of the boundary line in latitude $49^{\circ} 00' 08.87''$ North and longitude $123^{\circ} 19' 17.18''$ West, and with respect to the chum salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of co-ordinating regulations regarding the open fishing days for the two specified areas. The following provisions shall be applicable from a date agreed by the appropriate fisheries officials of the two countries, which date shall be no earlier than the fifth and no later than the fifteenth of October:

- (i) The Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials;
- (ii) The United States officials shall designate the same open fishing days for the specific United States area as are set for the specified Canadian area.

6. The two Governments recognize the importance of maintaining the fishery resources in their reciprocal fishing areas at appropriate levels. Both Governments agree to continue and expand co-operation in both national and joint research programmes on species of common interest off their coasts. The appropriate agencies of the two Governments will arrange for exchanges and periodic joint reviews of scientific information.

7. Nothing in this Agreement shall prejudice the claims or views of either of the parties concerning internal waters, territorial waters, or jurisdiction over fisheries or the resources of the continental shelf; further, nothing in this Agreement shall affect either bilateral or multilateral agreements to which either Government is a party.

8. This Agreement shall enter into force on 16 June 1973, and shall remain in force until 24 April 1974. Representatives of the two Governments shall consult prior to expiration of the period of validity of this Agreement with a view to possible amendment and/or extension. However, if the Government of Canada gives notice to the Government of the United States of America of intent to extend its surflines off the west coast of Vancouver Island, and/or extends the troll season for salmon off the west coast of Vancouver Island, the Government of the United States of America may give notice of termination of the Agreement, which termination shall take effect 60 days after the giving of such notice.

5. (i) AGREEMENT CONCERNING THE GRANTING OF THE RIGHT TO FISHING VESSELS OF THE FEDERAL REPUBLIC OF GERMANY TO FISH IN THE MARINE FISHERY ZONE OF THE POLISH PEOPLE'S REPUBLIC, DONE AT WARSAW ON 14 DECEMBER 1973¹

The Government of the Federal Republic of Germany and the Government of the Polish People's Republic,

Having regard to the Act of 12 February 1970 of the Polish People's Republic concerning the establishment of a maritime fishery zone off the coast of the Polish People's Republic, and

Desirous of developing and strengthening mutual relations and co-operation,

¹ Text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 4 March 1975. Translation by the Secretariat of the United Nations.

Have agreed as follows:

Article 1

(1) Fishing vessels of the Federal Republic of Germany shall be entitled to fish, to the extent indicated in paragraph (2) of this article, in the maritime fishery zone of the Polish People's Republic but outside of the territorial sea of the Polish People's Republic. The seaward boundary of the maritime fishery zone of the Polish People's Republic runs at a distance of 12 nautical miles measured from the baseline of the territorial sea of the Polish People's Republic. The said baseline runs from a point with the co-ordinates $54^{\circ} 27' 33''$ N. and $19^{\circ} 38' 34''$ E. to the point $54^{\circ} 35' 36''$ N. and $18^{\circ} 48' 36''$ E., thence continuing in a westerly direction along the coast of the Polish People's Republic to a point with the co-ordinates $53^{\circ} 55' 45''$ N. and $14^{\circ} 13' 41''$ E.

(2) The right to fish within the maritime fishery zone of the Polish People's Republic in accordance with paragraph (1) of this article shall be valid

(a) Until 31 December 1973 in the area between 3 and 6 nautical miles measured from the baseline of the territorial sea of the Polish People's Republic, and

(b) For an indefinite period in the area between 6 and 12 nautical miles measured from the baseline of the territorial sea of the Polish People's Republic.

(3) The areas mentioned in paragraphs (1) and (2) are indicated more precisely on the annexed official maritime charts Nos. 201 and 202 of the Polish People's Republic¹ which form an integral part of this Agreement.

Article 2

The regulations of the Polish People's Republic concerning maritime fishery and the protection of national frontiers are to be published early enough to enable fishermen to observe them.

Article 3

Pursuant to the Four-Power Agreement of 3 September 1971, this Agreement is extended to cover Berlin (West) in accordance with the established procedures.

Article 4

The Agreement is concluded for an indefinite period. It may be denounced by either Contracting Party by notice in writing and shall in such case become invalid 12 months after the date of receipt of the notice of denunciation.

¹ The charts are not reproduced in this volume.

Article 5

This Agreement shall enter into force on the date on which the two Governments have notified each other through an exchange of notes that the legal requirements for its entry into force have been fulfilled.

Done at Warsaw on 14 December 1973, in duplicate in the German and Polish languages, both texts being equally authentic.

(ii) EXCHANGES OF LETTERS

I

The Deputy Prime Minister and
Minister of Shipping of the
Polish People's Republic

Warsaw, 14 December 1973

Sir,

I have the honour to state that, from the date of the signature of the Agreement between the Government of the Polish People's Republic and the Government of the Federal Republic of Germany concerning the granting of the right to fishing vessels of the Federal Republic of Germany to fish in the marine fishery zone of the Polish People's Republic, the fishing vessels of the Federal Republic of Germany may make use of the right to fish in the area for the period stipulated in article 1, paragraph 2 (a), of the above-mentioned Agreement.

Accept, Sir, the assurances of my highest consideration.

H.E. Dr. Hans Helmuth Ruete
Ambassador
of the Federal Republic of Germany

II

The Ambassador
of the Federal Republic of Germany

Warsaw, 14 December 1973

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See note I.]

Accept, Sir, the assurances of my highest consideration.

H.E. Mr. Kazimierz Olszewski
Deputy Prime Minister and
Minister of Shipping
of the Polish People's Republic

III

The Ambassador
of the Federal Republic of Germany

Warsaw, 14 December 1973

Sir,

On behalf of the Government of the Federal Republic of Germany, I wish to state that the Government of the Federal Republic of Germany undertakes, in the event of the establishment of a marine fishery zone (contiguous marine fishery zone), to enter forthwith into negotiations with the Government of the Polish People's Republic with a view to granting to fishermen from the Polish People's Republic, on the basis of reciprocity, the same rights as those granted to fishermen from the Federal Republic of Germany in the marine fishery zone of the Polish People's Republic.

Accept, Sir, the assurances of my highest consideration.

H.E. Mr. Kazimierz Olszewski
Deputy Prime Minister and
Minister of Shipping
of the Polish People's Republic

IV

The Deputy Prime Minister and
Minister of Shipping of the
Polish People's Republic

Warsaw, 14 December 1973

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See note III.]

Accept, Sir, the assurances of my highest consideration.

H.E. Dr. Hans Helmuth Ruete
Ambassador
of the Federal Republic of Germany
