

Division V

**FISHING AND CONSERVATION OF THE LIVING
RESOURCES OF THE SEA**

Subdivision A. Multilateral treaties

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE
NORTHWEST ATLANTIC FISHERIES RELATING TO AMEND-
MENTS TO THE CONVENTION, DONE AT WASHINGTON ON
6 OCTOBER 1970¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949,² which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

Article I

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

"Article XVII

"1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.

"2. A proposed amendment to the Convention shall be adopted by the Commission by a three-fourth majority of the votes of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depositary Government to all Contracting Governments.

¹ English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

² Partially reproduced in ST/LEG/SER.B/15, p. 832.

"3. Any amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Governments unless any other Contracting Government notifies the Depositary Government that it objects to the amendment, within ninety days of the date on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Government. Any Contracting Government which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of the last withdrawal.

"4. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

"5. The Depositary Government shall promptly notify all Contracting Governments of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments."

Article II

1. This Protocol shall be open for signature and ratification or approval, or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from three-fourths of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the ninety, and one hundred and twenty, day periods specified in the first sentence of paragraph 3 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

Subdivision B. Bilateral treaties

1. CONVENTION BETWEEN SPAIN AND PORTUGAL ON FISHING AT SEA AND CO-OPERATION IN MATTERS OF FISHERIES, DONE AT MADRID, 21 FEBRUARY 1969¹

The Governments of Spain and Portugal, having in view the conclusion of a Convention between the two countries on fishing at sea and co-operation in matters of fisheries, taking into account the provisions of the London Fisheries Convention of 9 March 1964,² to which both States are parties; without prejudice to their views regarding the principles of international law applicable to the delimitation of the maritime spaces adjacent to their coasts; and desiring to strengthen the good relations which have always existed between their fishery authorities and their fishermen, have agreed as follows:

Article 1. 1. Portuguese fishing vessels shall have the right to engage in fishing in the off-shore belt of sea between 6 and 12 miles from the Atlantic coast of the Spanish mainland, measured from the baseline adopted by Spain for the delimitation of its reserved fishing belt.

2. The right established in the preceding paragraph shall not be exercised in off-shore belts of sea north of the parallel passing through Cape Finisterre or east of the meridian passing through the Tarifa point (Strait of Gibraltar).

Article 2. 1. Spanish fishing vessels shall have the right to engage in fishing in the off-shore belt of sea between 6 and 12 miles from the coast of the Portuguese mainland, measured from the baseline adopted by Portugal for the delimitation of its territorial sea.

2. The right established in the preceding paragraph shall not be exercised in belts of sea off the coasts of the Azores and Madeira.

Article 3. 1. In the belt between 0 and 6 miles, measured from the baselines referred to in this Convention, fishing shall be reserved for nationals of each Party in the waters under its jurisdiction.

2. However, in the belts of sea at the mouths of the rivers Minho and Guadiana, the competent fishery authorities may agree on measures of mutual tolerance with respect to fishing in accordance with the traditional relations between fishermen on both sides of the border.

¹ Entered into force on 9 December 1969. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations.

² Reproduced in ST/LEG/SER.B/15, p. 862.

Article 4. 1. Straight baselines or bay closing lines for the delimitation of the fishing belts described in the preceding articles shall be drawn in accordance with article 6 of the London Fisheries Convention of 9 March 1964.

2. To that end, each Party shall give the other Party adequate advance notice of its intention to draw any straight baselines or bay closing lines, or to modify any existing lines, in order that the last-mentioned Party may formulate such comments as it deems necessary.

3. In the Bay of Setúbal, the Portuguese State shall adopt, for the delimitation of the fishing belt referred to in article 2, a straight baseline not exceeding 24 miles in length, drawn from Pedra do Arcangil (on Cabo Espichel) towards the opposite shore of the bay in the Barrocal.

Article 5. 1. Within the fishing belts described in articles 1 and 2, fishing vessels of both countries shall be required to comply with the fishery legislation in force in the said belts, provided that there shall be discrimination in form or in fact as between vessels of the two countries.

2. Each Party shall consult the other Party whenever it proposes to modify its domestic fishery legislation in such a way as might affect the rights accorded under this Convention.

Article 6. 1. In order to facilitate the application of the rules laid down in this Convention, there shall be established a Spanish-Portuguese Technical Fisheries Commission, the composition of which shall be agreed upon through the diplomatic channel.

2. The Commission shall meet alternately in Lisbon and Madrid at least once a year, and in any event, should the circumstances make it desirable, at the request of either Party.

3. The Technical Fisheries Commission shall have the following powers:

(a) To propose to the Governments a limitation of the fishing effort to be carried out by nationals of the two countries in exercise of the rights accorded under articles 1 and 2 of this Convention by laying down the annual gross register tonnage permitted both for trawling and for fishing by ring net (*cercos*);

(b) To propose measures for the conservation of fishery resources in the belts of sea adjacent to their coasts;

(c) To monitor any consultations under the provisions of article 5, paragraph 2; and

(d) To serve as a channel for co-operation between the two countries in matters of fisheries.

Article 7. This Convention shall remain in force for a term of 20 years.

After the expiration of that term, it shall be automatically extended for successive periods of five years, unless one of the Parties gives the other Party at least one year's notice of its intention not to extend the Convention.

Article 8. This Convention shall enter into force as soon as the two Governments notify each other, by an exchange of notes, that the constitutional procedures prescribed for its approval have been completed.

Transitional provision

Within six months of the entry into force of this Convention, the Technical Fisheries Commission referred to in article 6 shall lay down the limits of the fishing effort that may be carried out by each Party during the following five years in the belts defined in articles 1 and 2 of this Convention. Such limits shall be set on the basis of the fishing effort carried out during the five years preceding the entry into force of the Convention.

Done at Madrid in two original copies, in Spanish and Portuguese, both texts being equally authentic.

2. CONVENTION ENTRE LE GOUVERNEMENT ESPAGNOL ET LE GOUVERNEMENT DE LA REPUBLIQUE DU SENEGAL EN MATIERE DE PECHEs MARITIMES, SIGNEE A DAKAR LE 15 MAI 1975¹

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal,

Considérant les liens d'amitié qui existent entre les deux pays,

Déterminés à fonder leurs relations dans un esprit de coopération mutuelle, de confiance réciproque et de respect de leurs intérêts mutuels dans le domaine des pêches maritimes,

Convaincus de la nécessité de conjuguer les efforts de tous les pays pour assurer la préservation des ressources de la pêche dans l'Atlantique central et méridional,

Sont convenus des dispositions suivantes :

Article premier

Le Gouvernement de la République du Sénégal et le Gouvernement espagnol considèrent la présente Convention comme l'acte qui régira dorénavant leurs relations en matière de pêche maritime.

Article 2

Le Gouvernement de la République du Sénégal accorde le droit de pêche dans l'ensemble des eaux relevant de la juridiction sénégalaise aux

¹ Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de la Convention, qui a été enregistrée au Secrétariat de l'Organisation des Nations Unies par le Gouvernement espagnol le 28 juin 1977.

navires battant pavillon espagnol, aux conditions applicables aux navires ressortissants de pays avec lesquels le Sénégal a signé une convention en matière de pêche.

Article 3

Les navires espagnols autorisés à pêcher dans l'ensemble des eaux sous juridiction sénégalaise dans le cadre de la présente Convention sont munis d'une licence d'armement à la pêche accordée dans les conditions définies par les lois et règlements en vigueur au Sénégal.

Article 4

Les navires chalutiers de nationalité espagnole reçoivent la licence de pêche aux engins traînants conformément aux dispositions législatives et réglementaires en vigueur au Sénégal.

En ce qui concerne les navires chalutiers congélateurs, la licence de pêche sera délivrée à ceux qui ne dépassent pas 700 tonneaux de jauge brute.

Article 5.

Les navires thoniers de nationalité espagnole ayant choisi à titre temporaire ou définitif un port sénégalais comme port d'attache ou de travail, et qui participent aux campagnes thonières sénégalaises, reçoivent la licence de pêche thonière conformément aux dispositions législatives et réglementaires en vigueur au Sénégal. Cette licence est valable pour l'ensemble des eaux sous juridiction sénégalaise.

Les produits de la pêche fraîche des navires thoniers à glace basés au Sénégal dans le cadre de la présente Convention sont débarqués au profit de la société nationale d'armement à la pêche thonière qui s'engage à assurer la consignation de ces unités.

Les prix de cession et les modalités de livraison de ces produits font l'objet d'un accord particulier conclu pour des périodes déterminées entre la société nationale et les armateurs espagnols. Ces accords sont considérés comme des annexes à la présente Convention¹.

Les produits congelés des thoniers espagnols autorisés à pêcher dans les eaux sénégalaises font l'objet d'une cession partielle à la société nationale d'armement à la pêche thonière. La quantité de thon congelé débarquée au profit de la société nationale et le prix de cession de ce thon font l'objet d'accords particuliers qui sont considérés comme des annexes à la présente Convention.

Article 6

Les produits de la pêche débarqués au Sénégal par des navires de nationalité soit sénégalaise, soit espagnole, et ayant été soumis à des transformations dans des entreprises installées au Sénégal, bénéficient d'un traitement identique à leur entrée sur le territoire douanier espagnol.

¹ Ces accords ne sont pas reproduits.

Article 7

Le Gouvernement espagnol mettra à la disposition du Gouvernement de la République du Sénégal des crédits en compensation des dispositions des articles 2, 3, 4 et 5 de la présente Convention.

Ces crédits garantis par l'Etat du Sénégal sont destinés à renforcer la coopération entre les deux pays, dans le secteur du développement rural en général et dans le domaine de la pêche en particulier.

Le montant des crédits mis en place, leur nature, les conditions de leur mobilisation et les modalités de leurs remboursements feront l'objet d'un accord financier.

Article 8

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal s'engagent à promouvoir leur coopération dans le secteur de la pêche en encourageant l'investissement de capitaux espagnols au Sénégal par la constitution d'entreprises à capitaux mixtes dans lesquelles les bateaux de pêche espagnols pourraient être utilisés dans le cadre d'accords particuliers. A cette fin, les deux gouvernements accorderont toutes les facilités financières prévues par leurs législations respectives et destinées à favoriser la réalisation de leurs objectifs.

Article 9

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal conviennent que la position des deux pays dans l'Atlantique et leurs intérêts dans la préservation des ressources halieutiques et leur exploitation rationnelle impliquent le renforcement de leur coopération scientifique.

A cet effet, les organismes compétents coordonneront les recherches en organisant des missions scientifiques conjointes sur des thèmes d'étude définis chaque année par leurs instituts de recherche et portant sur des sujets d'intérêt commun.

Les recherches débouchant sur des applications pratiques pour la protection des ressources et de leur environnement sont considérées comme prioritaires.

Les organismes compétents des deux pays échangeront des informations scientifiques pouvant contribuer à une meilleure connaissance des espèces.

Par ailleurs les deux gouvernements se consulteront dans le cadre des organisations internationales pour prendre les mesures appropriées destinées à sauvegarder leurs intérêts en matière de pêches.

Article 10

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal conviennent que l'amélioration de la compétence et des connaissances des personnels affectés à la pêche maritime constituent un élément essentiel du succès de leur coopération.

A cet effet, le Gouvernement espagnol s'engage à accueillir des ressortissants sénégalais dans ses établissements et à mettre à leur disposition des

bourses d'études et de formation dans les diverses disciplines scientifiques techniques et économiques concernant la pêche.

Article 11

Il est créé une commission hispano-sénégalaise chargée de suivre les problèmes posés par la coopération en matière de pêches dans les deux pays. Cette commission se réunira au moins une fois par an, alternativement dans les deux pays.

Article 12

Le présent accord est conclu pour une période de quatre ans renouvelable par tacite reconduction sauf dénonciation par l'une des Parties contractantes.

La dénonciation devra être notifiée par la voie diplomatique avec un préavis de six mois.

Le présent accord entrera en vigueur à la date de l'échange des instruments de ratification.

3. [AGREEMENT OF 28 NOVEMBER 1975 BETWEEN THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF ICELAND RELATING TO FISHING AND TO THE CONSERVATION OF LIVING RESOURCES IN THE WATERS AROUND ICELAND]¹
4. [AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF CANADA ON MUTUAL FISHERIES RELATIONS, DONE AT MADRID ON 10 JUNE 1976]²
5. [FISHERIES AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE REPUBLIC OF CUBA, DONE AT MEXICO CITY ON 26 JULY 1976]³
6. [FISHING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND MEXICO, DONE AT MEXICO CITY ON 24 NOVEMBER 1976]⁴
7. [AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES, DONE AT WASHINGTON, 16 FEBRUARY 1977]⁵

¹ *Supra*, division II, subdivision B, 3.

² *Ibid.*, 5.

³ *Ibid.*, 6.

⁴ *Ibid.*, 8.

⁵ *Ibid.*, 9.

Annex

DECLARATIONS, RESOLUTIONS AND REPORTS ADOPTED OR CONCLUSIONS REACHED BY INTERNATIONAL ORGANIZATIONS, INTERNA- TIONAL CONFERENCES OR OTHER INTERNA- TIONAL MEETINGS

RESOLUTION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES ON CERTAIN EXTERNAL ASPECTS OF THE CREATION OF A 200- MILE FISHING ZONE¹

With reference to its declaration of 27 July 1976 on the creation of a 200-mile fishing zone in the community, the council considers that the present circumstances, and particularly the unilateral steps taken or about to be taken by certain third countries, warrant immediate action by the community to protect its legitimate interests in the maritime regions most threatened by the consequence of these steps to extend fishing zones, and that the measures to be adopted to this end should be based on the guidelines which are emerging within the Third United Nations Conference on the Law of the Sea.

It agrees that, as from 1 January 1977, Member States shall, by means of concerted action, extend the limits of their fishing zones to 200 miles off their North Sea and North Atlantic coasts, without prejudice to similar action being taken for the other fishing zones within their jurisdiction such as the Mediterranean.

It also agrees that, as from the same date, the exploitation of fishery resources in these zones by fishing vessels of third countries shall be governed by agreements between the community and the third countries concerned.

It agrees, furthermore, on the need to ensure, by means of any appropriate community agreements, that community fishermen obtain fishing rights in the waters of third countries and that the existing rights are retained.

To this end, irrespective of the common action to be taken in the appropriate international bodies it instructs the commission to start negotiations forthwith with the third countries concerned in accordance with the Council's Directives. These negotiations will be conducted with a view to concluding, in an initial phase, outline agreements regarding the general conditions to be applied in future for access to resources, both those situated in the fishing zones of these third countries and those in the fishing zones of the member States of the community.

¹With effect as from 1 January 1977. Text transmitted by the Permanent Representative of the Netherlands to the United Nations in his letter of 16 November 1976.