

NORWAY



Treaty Series No. 43 (1965)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Kingdom of Norway

for the Continuance of Fishing by
Norwegian Vessels within the Fishery
Limits of the United Kingdom of
Great Britain and Northern Ireland

[with Exchanges of Notes]

London, September 28, 1964

[Instruments of Ratification were exchanged on 11 March, 1965
and the Agreement entered into force on that date]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
May 1965*

LONDON

HER MAJESTY'S STATIONERY OFFICE

NINEPENCE NET

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF NORWAY FOR THE CONTINUANCE OF FISHING BY NORWEGIAN VESSELS WITHIN THE FISHERY LIMITS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

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");

Having regard to the establishment by the United Kingdom Government of the fishery regime described in Articles 2 to 6 of the Fisheries Convention open for signature at London from 9th March to 10th April, 1964;⁽¹⁾

Have agreed as follows:

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 Agreement between the United Kingdom Government and the Norwegian Government,⁽²⁾ 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.

(1) "Miscellaneous No. 11 (1964)", Cmnd. 2355.

(2) "Treaty Series No. 25 (1961)", Cmnd. 1352.

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.

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.⁽³⁾

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.

ARTICLE 8

This Agreement is subject to ratification. The exchange of the instruments of ratification shall take place at Oslo as soon as possible, and this Agreement shall enter into force on the date on which the instruments of ratification are exchanged.⁽⁴⁾

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at London this 28th day of September, 1964, in the English and Norwegian languages, both texts being equally authoritative.

For the United Kingdom Government:

R. A. BUTLER

For the Norwegian Government:

ARNE SKAUG

⁽³⁾ "Commercial No. 11 (1884)", C. 3928.

⁽⁴⁾ The Agreement entered into force on March 11, 1965.

**OVERENSKOMST MELLOM REGJERINGEN I KONGERIKET
NORGE OG REGJERINGEN I DET FORENTE KONGERIKE
STORBRITANNIA OG NORD-IRLAND OM NORSKE
FISKEFARTØYERS FORTSATTE FISKE INNENFOR
STORBRITANNIAS FISKERISONE**

Regjeringen i Kongeriket Norge (heretter kalt "Norges regjering") og regjeringen i det Forente Kongerike Storbritannia og Nord-Irland (heretter kalt "det Forente Kongerikes regjering")

i betraktning av det faktum at det Forente Kongerikes regjering vil innføre den fiskeriordning som er bestemt i artikkel 2-6 i den fiskerikonvensjon som ble åpnet for undertegning i London fra 9. mars til 10. april 1964,

er blitt enige om følgende:

ARTIKKEL 1

Som en oppfyllelse av de forpliktelser som ble inngått i den note som av den britiske chargé d'affaires i Oslo ble tilstillet den norske utenriksminister i forbindelse med undertegningen den 17. november 1960 av fiskerioverenskomsten mellom Norges regjering og det Forente Kongerikes regjering og i betraktning av den spesielle karakter av de fiskerier det er tale om, vil det Forente Kongerikes regjering tillate fiskefartøyer som er registrert i Kongeriket Norge (heretter kalt "norske fartøyer") å fortsette fisket innenfor Storbritannias fiskerisone, slik som bestemt i artikkel 2-6 i denne overenskomst.

ARTIKKEL 2

Norske fartøyer kan fortsatte å fiske inntil 31. desember 1984 i beltet mellom 6 og 12 mil fra grunnlinjene for Storbritannias sjøterritorium:

- (a) etter pigghå: i et område som går fra en linje rett i vest fra Ard an Runair (North Uist) nordover til en linje rett i øst av Start Point (Orknøyene), og som omfatter områdene rundt Flannanøyene, Shetlandsøyene og Fair Isle og de utenfor liggende øyer i St. Kilda-gruppen, North Rona og Sulisker, Sule Skerry og Stack Skerry, og
- (b) etter brugde: i det samme område som for pigghå, og også i området mellom en linje rett vest av Mull og Oa (Islay) og en linje rett vest av Ard an Runair.

ARTIKKEL 3

Norske fartøyer kan også fortsette å fiske pigghå og brugde i de områder som er nevnt i Artikkel 2 (a) og (b) i denne overenskomst opp til en grense på 3 mil fra grunnlinjene for Storbritannias sjøterritorium inntil 31. desember 1965, eller hvor det er trukket opp rette grunnlinjer eller stengningslinjer for bukter på mer enn 10 mil, inntil 31. desember 1966.

ARTIKKEL 4

Hvis det Forente Kongerikes regering gir et tredje land rett til å fiske pigghå eller brugde i de områder som er beskrevet i Artikkel 2 (a) og (b) i denne overenskomst, skal den samme rett automatisk utstrekkes til å gjelde for Kongeriket Norge.

ARTIKKEL 5

Dersom det på noe tidspunkt finner sted en fundamental endring i karakteren av det fiske som drives av norske fartøyer i de områder som er beskrevet i Artikkel 2 (a) og (b) i denne overenskomst, kan det Forente Kongerikes regering ta saken opp med Norges regering, og de to regjeringer skal sammen drøfte situasjonen.

ARTIKKEL 6

Med mindre og inntil de to regjeringer blir enige om noe annet, skal reglene for utøvelsen av fisket, som skal håndheves av det Forente Kongerikes regering overfor norske fartøyer som fisker i de områder som er beskrevet i Artikkel 2 (a) og (b) i denne overenskomst, være de regler som inneholdes i Konvensjonen om ordningen av fiskerioppsynet i Nordsjøen, undertegnet i Haag den 6. mai 1882.

ARTIKKEL 7

Det Forente Kongerikes regering kan ikke kreve at norske fartøyer skal rette seg etter bestemmelser om beskyttelse av bestanden som begrenser deres rett til å fiske etter pigghå og brugde i de områder som er beskrevet i Artikkel 2 (a) og (b) i denne overenskomst, med mindre det er truffet avtale med Norges regering om slike bestemmelser.

ARTIKKEL 8

Denne overenskomst skal ratifiseres. Utvekslingen av ratifikasjonsdokumentene skal foretas i Oslo så snart som mulig. Overenskomsten skal tre i kraft den dag ratifikasjonsdokumentene utveksles.

Til bevitelse herav har de undertegnede, som har behørig fullmakt fra sine respektive regjeringer, undertegnet denne overenskomst.

Utfærdiget i to eksemplarer i London, den 28. september 1964 i norsk og engelsk tekst, som har samme gyldighet.

For Norges Regjering:

ARNE SKAUG

For det Forente Kongerikes Regjering:

R. A. BUTLER

EXCHANGES OF NOTES

No. 1

The Norwegian Ambassador to the Secretary of State for Foreign Affairs

Royal Norwegian Embassy,

London, 28th September, 1964.

Sir,

By the Fishery Agreement of 17th November, 1960, between the Government of the Kingdom of Norway and the Government of the United Kingdom of Great Britain and Northern Ireland, fishing vessels registered in the United Kingdom were permitted to continue to fish until 31st October, 1970, in the Norwegian fishery zone between 6 and 12 miles along the whole of the Norwegian coast. No limitation was imposed as regards the stocks of fish to be exploited.

On the occasion of the signing of the Agreement, the British Chargé d'Affaires at Oslo addressed a note to the Norwegian Minister of Foreign Affairs, in which it was stated that if the United Kingdom Government should contemplate the establishment of a fishery zone in an area contiguous to the territorial sea of the United Kingdom, the United Kingdom would be prepared to make arrangements corresponding to those provided for in the aforesaid Agreement in respect of Norwegian vessels fishing within that zone.

By virtue of such corresponding arrangements, the Government of Norway considered that Norwegian vessels would have had the right to continue to fish until 31st October, 1970, in the fishery zone of the United Kingdom between 6 and 12 miles along the whole of the United Kingdom for any stocks of fish.

During the negotiations in June this year, relating to the continuance of fishing by Norwegian vessels within the fishery zone of the United Kingdom, the United Kingdom delegation found it impossible to grant such corresponding arrangements. As a substitute arrangement, it was agreed that Norwegian fishing in the fishery zone of the United Kingdom was to be restricted to the fishing of dogfish and basking sharks in certain limited areas. In return, however, the period during which this restricted fishing should be allowed was extended to 31st December, 1984.

I have been instructed by my Government to emphasise what was the understanding of the Norwegian delegation, that the right of Norwegian vessels to continue fishing in the fishery zone of the United Kingdom beyond 31st October, 1970, should be a special compensation for the fact that Norwegian fishing in the fishery zone of the United Kingdom would be restricted to certain stocks of fish in limited areas, and that, consequently, this Agreement should not in any way be taken to form the basis of any claim on the part of the United Kingdom Government for the continuance beyond 31st October, 1970, of the fishing carried on by United Kingdom vessels in the Norwegian fishery zone.

I have the honour to be,

With the highest consideration,

Sir,

Your most obedient Servant,

ARNE SKAUG.

No. 2

The Secretary of State for Foreign Affairs to the Norwegian Ambassador

*Foreign Office, S.W.1,
September 28, 1964.*

Your Excellency,

I have the honour to refer to Your Excellency's Note of to-day's date, addressed to me on the occasion of the signing of the Agreement between the Government of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the Continuance of Fishing by Norwegian Vessels within the Fishery Limits of the United Kingdom of Great Britain and Northern Ireland.

In reply I confirm to Your Excellency that it was also the understanding of the United Kingdom delegation to the fishery negotiations that this Agreement should not in any way be taken to form the basis of any claim on the part of the United Kingdom Government for the continuance beyond the 31st of October, 1970, of the fishing carried on by United Kingdom vessels in the Norwegian fishery zone.

I have the honour to be,
with the highest consideration,
Your Excellency's obedient Servant,
R. A. BUTLER.

No. 3

The Secretary of State for Foreign Affairs to the Norwegian Ambassador

*Foreign Office, S.W.1,
September 28, 1964.*

Your Excellency,

In connection with the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway for the Continuance of Fishing by Norwegian vessels within the Fishery Limits of the United Kingdom of Great Britain and Northern Ireland signed at London to-day, I have the honour to inform Your Excellency that in the interim period before the entry into force of the Agreement, Her Majesty's Government will raise no objection if fishing vessels registered in the Kingdom of Norway continue to fish for dogfish or basking sharks in the areas described in Articles 2 and 3 of the Agreement.

I have the honour to be,
with the highest consideration,
Your Excellency's obedient Servant,
R. A. BUTLER.

7

No. 4

The Norwegian Ambassador to the Secretary of State for Foreign Affairs

*Royal Norwegian Embassy,
London, 28th September, 1964.*

I have the honour to acknowledge receipt of your note of September 28, 1964, as follows:

[As in No. 3]

I have the honour to be,

With the highest consideration,

Sir,

Your most obedient Servant,

ARNE SKAUG.

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