

FISHERIES CONVENTION.
DONE AT LONDON, ON 9 MARCH 1964

Entry into Force: 15 March 1966

The Governments of Austria, Belgium, Denmark, the French Republic, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland,

Desiring to define a regime of fisheries of a permanent character;

Have agreed as follows:

Article 1

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

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

Article 2

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

Article 3

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

Article 4

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

(1) Once a Contracting Party applies the regime described in Articles 2 to 6, any right to fish which it may thereafter grant to a State not a Contracting Party shall extend automatically to the other Contracting Parties, whether or not they could claim this right by virtue of habitual fishing, to the extent that the State not a Contracting Party avails itself effectively and habitually of that right.

(2) If a Contracting Party which has established the regime described in Articles 2 to 6 should grant to another Contracting Party any right to fish which the latter cannot claim under Articles 3 and 4, the same right shall extend automatically to all other Contracting Parties. Article 9

Article 9

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

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

Article 10

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

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

Article 11

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

Article 12

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

Article 13

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

Article 14

(1) The present Convention shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall be subject to ratification or approval by the signatory Governments, in accordance with their respective constitutional procedures. The instruments of ratification or approval shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland.

(2) The present Convention shall enter into force upon the deposit of instruments of ratification or approval by eight signatory Governments. If, however, on 1st January, 1966, this condition is not fulfilled, those Governments which have deposited their instruments of ratification or approval may agree by special protocol on the date on which the Convention shall enter into force. In either case the Convention shall enter into force with respect to any Government that ratifies or approves thereafter on the date of deposit of its instrument of ratification or approval.

(3) Any State may at any time after the Convention has come into force accede thereto upon such conditions as may be agreed by it with the Contracting Parties. Accession on the conditions agreed shall be effected by notice in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all instruments of ratification or approval deposited and accessions received and shall notify signatory and acceding Governments of the dates on which and the Governments in respect of which the present Convention enters into force.

Article 15

The present Convention shall be of unlimited duration. However at any time after the expiration of a period of twenty years from the initial entry into force of the present Convention, any Contracting Party may denounce the Convention by giving two years' notice in writing to the

Government of the United Kingdom of Great Britain and Northern Ireland.
The latter shall notify the denunciation to the Contracting Parties.

ANNEX I

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

Belgium

All coasts.

Denmark

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

France

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

Federal Republic of Germany

The North Sea coast.

Ireland

All coasts.

Netherlands

The North Sea coast.

Portugal

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

Spain

The Atlantic coast, north of the 36th Parallel.

Sweden

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

United Kingdom of Great Britain and Northern Ireland

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

ANNEX II

ARBITRATION

Article 1

(1) Within three months of the signature of the Convention, or of accession thereto, each signatory or acceding Government shall nominate five persons prepared to undertake the duties of arbiters and being nationals of a Member State of the Organisation for Economic Co-operation and Development.

(2) The persons thus nominated shall be included in a list, which shall be notified by the Government of the United Kingdom of Great Britain and Northern Ireland to all signatory and acceding Governments.

(3) Any change in the list of arbiters shall be notified in the same

manner.

(4) The same person may be nominated by more than one Government.

(5) The arbiters shall be nominated for a term of six years, which may be renewed.

(6) In the event of death or resignation of an arbiter he shall be replaced in the manner fixed for his nomination and for a new period of six years.

Article 2

(1) The party requesting arbitration in accordance with this Annex shall inform the other party of the claim which it intends to submit to arbitration, and give a summary statement of the grounds on which such claim is based.

(2) The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The other three arbiters, including the President, shall be chosen by agreement between the parties from among the nationals of third States whose names appear in the list mentioned in Article 1.

Article 3

If the nomination of the members of the Arbitral Tribunal is not made within a period of one month from the date on which arbitration was first requested, the task of making the necessary nominations shall be entrusted to the President of the International Court of Justice. Should the latter be a national of one of the parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next senior judge of the Court who is not a national of the parties.

Article 4

The arbiters to be nominated by the President of the International Court of Justice shall be chosen from among the nationals of the States Members of the Organisation for Economic Co-operation and Development and preferably from the list provided for in Article 1. The President of the International Court of Justice shall consult beforehand the parties to the dispute, and may consult the Director General of the Food and Agriculture Organisation of the United Nations and the President of the International Council for the Exploration of the Sea. The arbiters shall be of different nationalities.

Article 5

The parties may draw up a special agreement determining the subject of the dispute and the details of procedure.

Article 6

In the absence of sufficient particulars in a special agreement or in the present Annex regarding the questions mentioned in Article 5 of the present Annex, the provisions of Articles 59-82 of the Hague Convention for the Pacific Settlement of International Disputes of 18th October, 1907 shall apply as far as possible.

Article 7

The parties shall facilitate the work of the Arbitral Tribunal, and in particular shall supply it to the greatest possible extent with all

relevant documents and information. They shall use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 8

In the absence of agreement to the contrary between the parties, the decisions of the Arbitral Tribunal, shall be taken by majority vote and, except in relation to questions of procedure, decisions shall be valid only if all members are present. The voting shall not be disclosed, nor any dissenting or separate opinions.

Article 9

(1) During the proceedings, each member of the Arbitral Tribunal shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

(2) The expenses of the Arbitral Tribunal shall be divided in the same manner.

Article 10

The validity of legal measures which entered into force before the date on which the Convention was opened for signature shall not be questioned in proceedings before the Arbitral Tribunal.

Article 11

(1) In the case of a dispute based on an allegation of injury to private interests which, according to the municipal law of one of the parties, falls within the competence of its judicial administrative authorities, the party in question may object to the dispute being submitted for settlement by the procedure laid down in this Annex until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

(2) If a decision with final effect has been pronounced in the State concerned, it will no longer be possible to resort to the procedure laid down in this Annex after the expiration of a period of five years from the date of the aforementioned decision.

Article 12

If the execution of an award of the Arbitral Tribunal would conflict with a judgment or measure enjoined by a court of law or other authority of one of the parties to the dispute, and if the municipal law of that party does not permit, or only partially permits, the consequences of the judgment or measure in question to be annulled, the Arbitral Tribunal shall, if necessary, grant the injured party equitable satisfaction.

Article 13

(1) In all cases where a dispute forms the subject of arbitration, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Arbitral Tribunal shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

(2) The parties shall abstain from all measures likely to react prejudicially upon the execution of the award of the Arbitral Tribunal

and, in general, shall abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 14

(1) As soon as the Arbitral Tribunal is constituted, the President shall inform the Contracting Parties of the dispute submitted to it.

(2) Any Contracting Party may intervene, within a month from the date of receipt of this notification if it establishes a legitimate interest in the settlement of the dispute. Intervention shall be with the sole object of supporting or contesting the contentions, or part of the contentions, of the original parties to the dispute. An intervention shall not lead to modification of the original composition of the Arbitral Tribunal.

Article 15

Each of the Contracting Parties shall comply with the award of the Arbitral Tribunal in any dispute to which it is a party.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Convention.

DONE at London this ninth day of March, 1964, in the English and French languages, each text being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.

PROTOCOL OF PROVISIONAL APPLICATION
OF THE FISHERIES CONVENTION OF 9 MARCH 1964.
DONE AT LONDON, ON 9 MARCH 1964

The Governments of Austria, Belgium, Denmark, the French Republic, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland,

Have agreed as follows:

Article 1

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

Article 2

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

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

Article 3

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

Article 4

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

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

Article 5

The Government of the United Kingdom of Great Britain and Northern Ireland shall immediately inform all the signatories of the present Protocol of each notification received in accordance with Article 1 or with paragraph (2) of Article 4.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Protocol.

DONE at London this ninth day of March, 1964, in the English and French languages, each text being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.