

International Law Studies—Volume 51

Situation, Documents, and Commentary on Recent Developments in the International Law of the
Sea

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
the U.S. Department of the Navy or the Naval War College.

SECTION IV

FISHERY TREATIES DEFINING FISHERY LIMITS

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	<i>Page</i>
A. Exchanges of Notes (1954 and 1955) amending the Convention between the United Kingdom and Denmark for Regulating the Fisheries outside Territorial Waters in the Ocean surrounding the Faroe Islands of June 24, 1901.....	388
1. Articles 2, 4 and Additional Article, 1901 Convention.....	388
a. Note	388
b. Text of Articles.....	388
2. Exchanges of Notes (1954 and 1955).....	389
a. Note	389
b. Texts of Notes.....	389
B. Fisheries Agreement Between the United Kingdom and the Union of Soviet Socialist Republics Together with Minute to Article 1 and Exchange of Notes on Territorial Waters (1956).....	393
1. Note	393
2. Text of Agreement.....	393
C. Other recent similar Treaties. Note.....	396

A. Exchanges of Notes (1954 and 1955) amending the Convention between the United Kingdom and Denmark for Regulating the Fisheries outside Territorial Waters in the Ocean surrounding the Faroe Islands of June 24, 1901

1. Articles 2, 4, and Additional Article, 1901 Convention

a. NOTE. The text of the 1901 Convention is printed in *U.N. Leg. Series I*, (1951), at page 232 *et seq.*, and was taken from Volume 23, *Hertslet's Commercial Treaties*, page 425. By a Note of 30 October 1949, the Foreign Ministry of Iceland served notice of termination, so far as Iceland is concerned, to the United Kingdom. Under Article 39, the Convention continues in force for two years after the notice. The note is printed in *I.C.J., Pleadings, 1951, U.K.-Norway*, page 699. Articles 2, 4, and Additional Article are reproduced here from *U.N. Leg. Series I*, (1951), pages 232, 233, and 238.

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b. ARTICLES 2, 4, AND ADDITIONAL ARTICLE, 1901 CONVENTION

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ARTICLE 2. The subjects of His Majesty the King of Denmark shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coasts of the said islands, as well as the dependent islets, rocks, and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present article shall not prejudice the freedom of navigation or anchorage in territorial waters accorded to fishing boats, provided they conform to the Danish police regulations ruling this matter, amongst others the one stipulating that trawling vessels, while sojourning in territorial waters, shall have their trawling gear stowed away in-board.

* * * * *

ARTICLE 4. The geographical limits for the application of the present Convention shall be fixed as follows:

On the south by a line commencing from where the meridian of North Unst Lighthouse (Shetland Islands) meets the parallel of 61st degree of north latitude to a point where the 9th meridian of west longitude meets the parallel of 60° north latitude, and

from thence westward along that parallel to the meridian of 27° west longitude.

On the west by the meridian of 27° west longitude.

On the north by the parallel of 67° 30' of north latitude.

On the east by the meridian of the North Unst Lighthouse.

The aforesaid limits are shown on the chart appended to the present Convention.

* * * * *

ADDITIONAL ARTICLE. Any other government, the subjects of which carry on fishery in the ocean surrounding the Farøe Islands and Iceland, may adhere to the present Convention. The adhesion shall be notified to one of the Governments at Copenhagen or at London respectively. Such notification shall be communicated to the other Signatory Power.

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2. Exchanges of Notes (1954 and 1955)

a. NOTE. The Notes became effective 23 July 1954 and 1 July 1955, respectively. The texts reprinted below are taken from *British Command Paper* No. 9457.

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b. EXCHANGES OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF DENMARK AMENDING THE CONVENTION BETWEEN THE UNITED KINGDOM AND DENMARK FOR REGULATING THE FISHERIES OUTSIDE TERRITORIAL WATERS IN THE OCEAN SURROUNDING THE FAROE ISLANDS OF JUNE 24, 1901

London, July 23, 1954 and April 22, 1955

No. 1 (a)

The Danish Ambassador at London to Her Majesty's Principal Secretary of State for Foreign Affairs

**Royal Danish Embassy,
London, July 23, 1954.**

Sir,

I have the honour to refer to the Convention between Denmark and the United Kingdom of Great Britain and Northern Ireland, signed in London on June 24, 1901,¹ for regulating the fisheries of their respective subjects outside territorial waters in the Ocean surrounding the Faroe Islands and, in concert with the local

¹ *Treaty Series* No. 5 (1903), Cd. 1530.

administration of the Faroe Islands, to propose on behalf of the Danish Government that the Additional Article of the Convention providing for adhesion thereto shall be abrogated with effect from to-day.

2. If this proposal is acceptable to Her Majesty's Government in the United Kingdom, I have the honour to suggest that the present Note and your Excellency's reply to that effect should be regarded as constituting an agreement between our two governments.

I have, etc.,

STEENSEN-LETH

No. 1 (b)

**Her Majesty's Principal Secretary of State for Foreign Affairs to
the Danish Ambassador at London**

Foreign Office, S.W. 1.

July 23, 1954.

Your Excellency,

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

[As in No. 1 (a).]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between the two governments abrogating, with effect from to-day, the Additional Article of the Convention signed in London on the 24th of June, 1901.

I have, etc.,

(For the Secretary of State).

H.A.F. HOHLER

No. 2 (a)

**The Danish Chargé d'Affaires at London to Her Majesty's Principal
Secretary of State for Foreign Affairs**

Royal Danish Embassy,

London, April 22, 1955.

Sir,

I have the honour to refer to the discussions between representatives of our two Governments, relating to the Convention between Denmark and the United Kingdom for regulating the fisheries outside territorial waters in the ocean surrounding the Faroe Islands, signed in London on the 24th of June, 1901. Following

upon these discussions, the Government of Denmark, in concert with the local administration of the Faroe Islands, propose to the Government of the United Kingdom of Great Britain and Northern Ireland to modify the said Convention in the following respects.

2—A. The limits within which Faroe Islanders and other Danish citizens shall enjoy the exclusive right of fishery shall be defined as indicated below; all the arcs mentioned are to be drawn at a radius of three miles from low water mark of the islands or off-lying rocks (drying); all geographical positions are taken from the Danish chart No. 80, edition of 1905, (corrected to 1953).

North Coast

From the arc centred on the rock close north of Myling along the common tangent to that arc and the arc round Rívtange. From the intersection of this tangent with the common tangent between the arcs round Rívtange and Kádlur, the limit runs along the tangent, thence following the arc off Kádlur, thence along the common tangent to the arc off Kádlur and the arc off the outermost drying rock off Enniberg. Along the arc round Enniberg and the common tangent between this arc and that round Nordberg in Fuglø. Thence along the arc round Nordberg and along the common tangent between that arc and that off the north east point of Fuglø.

East Coast

Along the arc round the north east point of Fuglø, to its intersection with the arc round Bíspen, thence along that arc and the common tangent to this arc and that round the most easterly point of Svinø. Thence along the arc round the most easterly point of Svinø and the common tangent between it and the arc round the south easterly point of Svinø. Along the arc round the south easterly point of Svinø, and the common tangent between it and the arc round Skoren. From the intersection of this tangent and the common tangent between the arcs round Skoren and round the eastern point of Nolsø the limit is formed by this tangent, until its intersection with the common tangent between the arc round the eastern point of Nolsø and the arc round the eastern Fleserne, thence along this common tangent. Thence along the arc round the eastern Fleserne to its intersection with the arc round the Munken rock.

West Coast

Along the arc round the Munken rock and along the common

tangent between this arc and the arc round the south western islet off Famarasund. Thence along the latter arc and the common tangent between that arc and the arc round Bergstange. Thence along the arc round Bergstrange and along the common tangent between that arc and the arc round Kobbetange to a position 61 degrees 35.0 minutes north, 7 degrees 04.9 minutes west, which is 247 degrees 3.05 miles from Kobbetange. From this position the limit follows a straight line to a position 61 degrees 51.5 minutes north, 7 degrees 23.4 minutes west, which is 253½ degrees, 13.1 miles from the northern point of Trolldhoved off Sando. Thence as a straight line to the position on the arc round the outermost rock off Myggænaes at 62 degrees 03.9 minutes north, 7 degrees 45.95 minutes west, which is 236 degrees 3.3 miles from Myggænaes lighthouse. Then the limit follows the arcs round the rocks off Holm at the western end of Myggænaes.

North West Coast

From the arc round the most northerly rock off Holm along the tangent to this arc which passes through the rock close north of Myling (not the arc round this rock) to a distance of three miles from the west coast of Stromo. Thence as a tangent from this position to the arc round the rock close north of Myling and continuing round that arc to the common tangent to that arc and the arc round Rivtange.

B. The Danish Government intend that the fishery limits indicated above shall be applied to all foreign fishing vessels. British fishing vessels shall receive treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

3. If the proposals contained in this Note are acceptable to the Government of the United Kingdom, I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments modifying the Convention of the 24th of June, 1901, accordingly.

4. I further suggest that the modifications to the said Convention thus agreed upon shall enter into effect on the 1st of July, 1955.

5. Finally, I suggest that the Convention, as modified by the Exchange of Notes of the 23rd of July, 1954, and by your Government's acceptance of the proposals in this Note, shall remain in force for ten years before becoming subject to the provisions for denunciation contained in Article XXXIX of the said Convention.

I have, etc.,

E. KNUTH

No. 2 (b)

**Her Majesty's Principal Secretary of State for Foreign Affairs to
the Danish Chargé d'Affaires at London**

**Foreign Office, S.W. 1.
April 22, 1955.**

Sir,

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

[As in No. 2(a).]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an agreement between our two Governments, modifying the Convention of the 24th of June, 1901, accordingly.

I have, etc.,

HAROLD MACMILLAN

**B. Fisheries Agreement Between the United Kingdom and
the Union of Soviet Socialist Republics Together with
Minute to Article 1 and Exchange of Notes on Territorial
Waters (1956)**

1. NOTE. The Agreement was signed at Moscow, 25 May 1956. Ratifications were exchanged on March 12, 1957 (*Cmnd.* 148, *Treaty Series* No. 36, 1957). The texts below are taken from *British Command Paper* No. 9778. A previous Agreement of 1930, which expired in July 1955, provided a larger area for British fishermen. *The New York Times*, 26 May 1956, page 2, col. 4. A "temporary" Agreement of 22 May 1930, indicating the larger area, is printed in *U.N. Leg. Series I* (1951), page 174.

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**2. Agreement Between the Government of the United Kingdom
of Great Britain and Northern Ireland and the Government
of the Union of Soviet Socialist Republics on Fisheries**

Moscow, May 25, 1956

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Soviet Socialist Republics have decided to conclude the present agreement and have appointed their Representatives:—

[Names omitted.]

Who, having exchanged full powers which have been found to be in good order and due form, have agreed on the following:—

ARTICLE 1

The Government of the Union of Soviet Socialist Republics agree to concede the right to fishing boats registered at the ports of the United Kingdom to fish in the waters in the Barents Sea along the coast of the Kola Peninsula between the meridians thirty-six degrees and thirty-seven degrees fifty minutes of East longitude, along the mainland to the East of the point of Cape Kanin between the meridians forty-three degrees seventeen minutes and fifty-one degrees of East longitude and also along the coast of Kolguev Island, up to a distance of three sea miles from low water mark both on the mainland and on the islands; the right is also conceded to these boats to sail freely and to anchor in these waters.

ARTICLE 2

United Kingdom fishing boats entering Soviet ports and sheltered waters in extraordinary circumstances will be governed by the regulations laid down by the competent Soviet authorities.

ARTICLE 3

The present Agreement is subject to ratification. The exchange of the instruments of ratification shall take place as soon as possible in London.

The Agreement has been concluded for a period of five years and shall enter into force from the date of the exchange of the instruments of ratification.

If neither of the parties has given notice of denunciation not later than one year before the termination of the above period in which the Agreement is in force, the Agreement will remain in force for a further five years and thus each time it will be considered to have been extended for a further five years unless one of the parties denounces it not later than one year before the termination of the current five-year period in which it is in force.

Done at Moscow on the 25th day of May, 1956, in duplicate, both in the English and Russian languages, and both texts being equally authoritative.

[Signatures omitted.]

* * * * *

Minute to Article 1 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics on Fisheries of May 25, 1956.

The permission given by the Government of the Union of Soviet Socialist Republics to fishing vessels registered at the United

Kingdom ports to engage in fishing, to navigate freely and anchor in the waters indicated in Article 1 of the Agreement shall not be considered to concede to such fishing vessels the right to engage in fishing, to navigate and anchor in such forbidden zones as may be established by the competent Soviet authorities inside the limits of the waters coming within the scope of the agreement.

[Signatures omitted.]

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EXCHANGE OF NOTES ON TERRITORIAL WATERS

No. 1

**Her Majesty's Ambassador at Moscow to the Soviet Union Deputy
Minister of Foreign Affairs**

**British Embassy,
Moscow, May 25, 1956.**

Mr. Deputy Minister,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, signed this day at Moscow, for regulating the fishing activities of fishing boats registered in the ports of the United Kingdom in the waters contiguous to the Northern coasts of the Union of Soviet Socialist Republics and the Islands dependent thereon, and to inform your Excellency that it is the understanding of the Government of the United Kingdom that nothing in this Agreement shall be deemed to prejudice the claims or views of either Contracting Government in regard to the limits of territorial waters.

I have the honour to suggest that the present Note and your Excellency's reply thereto shall be regarded as an official expression of the points of view of the two Governments on this matter.

W. HAYTER

No. 2

[Translation from the Russian text]

**The Soviet Union Deputy Minister of Foreign Affairs to Her
Majesty's Ambassador at Moscow**

Moscow, May 25, 1956.

Mr. Ambassador,

Taking into consideration the view of the British Government, expressed in your Excellency's Note of today's date, that no pro-

visions contained in the Agreement on Fisheries signed to-day in Moscow between the Government of the Union of Soviet Socialist Republics and the Government of the United Kingdom of Great Britain and Northern Ireland shall be deemed to prejudice the claims or views of the Contracting Parties concerning the limits of territorial waters, I have the honour to remind you that the width of the Soviet Union's territorial waters and the regulations governing them were defined in the Statute concerning the Security of the State Frontiers of the Union of Soviet Socialist Republics of June 15, 1927.

With this I have the honour to confirm that your Excellency's Note and the present answer shall be regarded as an official expression of the points of view of the two Governments on this question.

V. KUZNETSOV

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C. Other Recent Similar Treaties

NOTE. An Agreement concerning Fisheries, 13 April 1949, between Italy and Yugoslavia, contains provisions defining Yugoslav fishing zones in which Italians may fish and also contains provisions setting quotas in the interest of conservation. The additional 4 mile fishing zone beyond territorial waters claimed by Yugoslavia (see Yugoslavia, *infra*) is included within the zones in which Yugoslavia grants permission to fish. The Agreement entered into force 1 May 1949, and Article 13 provides it shall remain in force for two years and continued by "tacit agreement in each year" unless denounced by either country with four months' notice. The text of the Agreement is printed in *U. N. Leg. Series I*, (1951), page 241. A letter to the Editor from the Acting Director, Fisheries Division, Food and Agriculture Organization of the United Nations, dated 28 August 1956, enclosed the original French text of a new fishery Treaty between Italy and Yugoslavia, concluded on 1 March 1956. The letter states it is understood that "although this agreement has not yet been ratified by the Italian Parliament, it is already being applied informally." The new Treaty provides in annexed letter No. 1 that it shall be effective immediately for the fishing season already under way. The new Treaty adds new fishing zones with somewhat different limits. Its provisions, in general, are similar to the 1949 Treaty, but it makes no reference to that treaty.

An Agreement regarding Rights of Fishery in the areas of the English Channel Islands of Ecrehos and Minquiers, signed at London 30 January 1951, became effective on 24 September 1951, when ratifications were exchanged at Paris. This Agreement, between the United Kingdom and France, defined fishery limits without prejudice to the forthcoming decision of the International Court of Justice as to sovereignty over the Ecrehos and Minquiers. The text of the agreement is to be found in *British Command Paper* No. 8444. The Judgment of the International Court of Justice of 17 November 1953 in *The Ecrehos and Minquiers Case* awarded sovereignty of both groups of islands to the United Kingdom largely on the basis of historical evidence. *International Court of Justice Reports*, 1953, page 47 *et seq.*