

No. 6307

NORWAY
and
UNION OF SOVIET SOCIALIST REPUBLICS

Agreement on Fishing (with Protocol and exchange of letters). Signed at Moscow, on 16 April 1962

Official texts: Norwegian and Russian.

Registered by Norway and the Union of Soviet Socialist Republics on 19 September 1962.

NORVÈGE
et
**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Accord concernant la pêche (avec Protocole et échange de lettres). Signé à Moscou, le 16 avril 1962

Textes officiels norvégien et russe.

Enregistré par la Norvège et l'Union des Républiques socialistes soviétiques le 19 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6307. AGREEMENT¹ ON FISHING BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE KINGDOM OF NORWAY. SIGNED AT MOSCOW, ON 16 APRIL 1962

The Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Norway,

Desiring to develop and strengthen good-neighbourly relations between the two countries and to assure their common fishing interests in northern waters,

Have agreed as follows :

Article I

For the purpose of this Agreement :

- (a) the term " mile " shall be understood to mean a nautical mile (1,852 metres);
- (b) the term " vessel " shall be understood to mean any vessel or boat engaged in fishing.

Article II

From the moment of the entry into force of this Agreement until 31 October 1970, the Government of the Kingdom of Norway shall permit fishing vessels registered in the Union of Soviet Socialist Republics and manned by Soviet nationals to fish in a Norwegian fishing zone between the limits of six and twelve miles from the base line from which the territorial waters of the Kingdom of Norway are measured.

However, in the areas indicated below, vessels of the Contracting Parties shall be limited to fishing with fixed nets and hand tackle :

- (a) Andenes : from longitude 15° 25' East to 16° East throughout the year;
- (b) Vesterålen : from latitude 69° 12' North to 69° 18' North from 16 May to 14 February, both dates inclusive;
- (c) Grimsbakken : from latitude 69° 43' North to 69° 47' North from 1 December to 15 April, both dates inclusive;
- (d) Fugløybanken : from longitude 19° East to 19° 30' East from 1 December to 15 April, both dates inclusive.

¹ Came into force on 1 August 1962, the date of exchange of the instruments of ratification at Oslo, in accordance with article VIII.

Article III

During the period indicated in article II of this Agreement the Government of the Union of Soviet Socialist Republics shall permit fishing vessels registered in the Kingdom of Norway and manned by Norwegian nationals to engage in fishing in Soviet territorial waters in Varangerfjord between the limits of six and twelve miles from the shore in a zone bounded to the south by a line drawn along the Soviet coast six miles from the shore, to the south-east by a line drawn six miles from the base line from which Soviet territorial waters are measured, running from the promontory at the entrance to the bay of Dolgaya Shchel through the north-western extremity of the island of Bolshoy Ainov to Cape Nemetsky on Rybachy Peninsula, and to the north-east by a line joining Cape Nemetsky to Cape Kibergnes, as indicated on the map¹ annexed to this Agreement.

Article IV

Fishing in the zones indicated in articles II and III of this Agreement shall be carried on in accordance with the annexed Protocol,² which is an integral part of the Agreement.

For purposes other than fishing, Norwegian nationals and vessels present in Soviet territorial waters shall be subject to the laws and regulations of the Union of Soviet Socialist Republics relating to the presence in these waters of foreign nationals and vessels, without prejudice to the provisions of this Agreement.

Particulars of such laws and regulations and of amendments and additions thereto shall be notified to the Government of the Kingdom of Norway through the diplomatic channel.

Article V

If at any time before 31 October 1970 either Contracting Party finds that there has been a radical change in the character of the fishing carried on by vessel of the other Party in the zones indicated in articles II and III of this Agreement, the Government concerned may raise the matter with the Government of the other country and they shall together review the position.

Article VI

If in the zones indicated in articles II and III of this Agreement fishing gear belonging to fishermen of one Party should be damaged by the fault of fishermen

¹ See p. 208 of this volume.

² See p. 198 of this volume.

of the other Party, claims for compensation shall be examined in accordance with the Agreement between the Government of the Union of Soviet Socialist Republics and the Norwegian Government of 9 December 1959¹ concerning the handling of claims in connection with damage to fishing gear.

Article VII

The Contracting Parties shall take the appropriate steps to ensure compliance with the provisions of this Agreement by their nationals and by vessels registered in their territories.

Article VIII

This Agreement is subject to ratification. The exchange of the instruments of ratification shall take place as soon as possible, at Oslo, and the Agreement shall enter into force on the date of such exchange.

DONE in Moscow on 16 April 1962 in two copies, each in the Russian and Norwegian languages, both texts being equally authentic.

IN WITNESS WHEREOF the undersigned, duly authorized thereto by their Governments, have signed this Agreement.

For the Government
of the Union of Soviet Socialist
Republics :

M. N. SUKHORUCHENKO
M. S.

For the Government
of the Kingdom of Norway :

Frithjof JACOBSEN
J. E.

PROTOCOL

RULES FOR THE REGULATION OF THE FISHERIES

Chapter I

RULES CONCERNING THE REGISTRATION AND IDENTIFICATION OF FISHING VESSELS

Article 1

1. The vessels of each of the Contracting Parties shall be registered in accordance with the rules in force in the country of which they fly the flag.

2. The competent authorities of each of the Contracting Parties shall specify one or more initial letters and a consecutive series of numbers for each port of registration or for each maritime district.

¹ United Nations, *Treaty Series*, Vol. 361, p. 93.

3. The Contracting Parties shall communicate to one another a list of these identification marks and shall notify one another of all subsequent modifications thereto.

Article 2

1. Every vessel shall bear, on the outside of the hull, clearly visible identification marks in the form of a letter or letters, the number under which the vessel is registered, the name of the port of registration, and the name of the vessel itself.

2. Small boats and all fishing implements shall be marked for identification purposes with a sufficiently clear and large letter or letters, and with the number of the vessel to which they belong. The ownership of nets or other fishing implements may be further distinguished by special marks.

3. The identification marks enumerated in paragraph 1 of this Article shall not be effaced, altered, made illegible or covered, nor shall the nationality of a vessel be concealed.

Article 3

1. The master of each vessel shall have with him an official document, issued by the competent authorities of his country, confirming the nationality of the vessel.

This document shall indicate the letter or letters and the number of the vessel, the name and nationality of the owner, or the name of the firm or company owning the vessel, and shall contain a precise description of the vessel.

2. Each vessel shall carry a ship's roll, drawn up by the competent authorities of the country concerned, showing the names, nationality and residence of all persons on board.

Article 4

Responsibility for ensuring that the provisions of articles 1, 2 and 3 of this Protocol are complied with shall rest with the competent authorities of the country to which the vessel belongs. The commanders of fishery protection vessels of each Contracting Party shall inform each other of any violation of these provisions by vessels registered in the territory of the other Contracting Party.

Chapter II

PROCEDURE GOVERNING THE OPERATIONS OF FISHING

Article 5

Vessels arriving on fishing grounds where other vessels are already fishing or have set their gear for that purpose shall not place themselves or their lines,

nets, buoys or other fishing implements in such a way as to interfere with or obstruct fishing operations already in progress.

Article 6

No vessel shall anchor or remain at anchor between sunset and sunrise on grounds where drift-net fishing is in progress during that period, except as a consequence of accident, shipwreck or other circumstances beyond the vessel's control.

Article 7

1. Nets and lines anchored in the sea shall be furnished at each end with flag buoys by day and with light buoys by night. These buoys shall be clearly visible at a distance of at least two miles.

2. On fishing gear referred to in paragraph 1 of this article extending for more than one mile, additional flag buoys or light buoys shall be placed at distances of not more than one mile from one another.

3. On fishing gear referred to in paragraph 1 of this article which is attached to a vessel, a flag buoy or light buoy shall not be required at the end attached to the vessel.

Article 8

1. Trawlers shall take all practicable steps to avoid anchored nets or lines in order to prevent damage to them, and in particular to avoid trawling between two buoys.

2. No vessel shall make fast to or hold on to the nets, buoys, floats, or any other part of the fishing tackle of another vessel.

Article 9

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves :

- (a) that the damage was done under circumstances beyond its control;
- (b) that the damage was not due to its fault;
- (c) that it had complied with the provisions of articles 5, 6, 7 and 8 of this Protocol and had done all that was possible to avoid the damage, or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of articles 5, 6, 7 and 8 of this Protocol, and that this circumstance had led to the damage.

Article 10

1. When nets belonging to different vessels foul each other, they shall not be severed without the consent of both parties unless it is impossible to disengage them by other means.

2. When vessels fishing with lines entangle their lines, the vessel which hauls up the lines shall not sever the lines of the other vessel unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

3. Except in cases of salvage and the cases enumerated in paragraphs 1 and 2 of this article, no vessel shall sever, hook or lift up fishing implements not belonging to it or damage them unnecessarily.

4. When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all measures to reduce to a minimum the damage to such gear which may result. The vessel to which the gear belongs shall at the same time avoid any action tending to aggravate such damage.

Article 11

All vessels, or their rigging, tackle and fishing implements or gear found and picked up at sea shall as soon as possible be delivered to the competent authorities in the first port in the territory of either Contracting Party to which the salving vessel puts in.

Such authorities shall, where the circumstances permit, inform the consular representative of the country of which the owner of the salvaged property is a national. The property shall be restored to the owner or to his representative as soon as it has been claimed and the interests of the salving vessel have been properly guaranteed.

The amount of the reward to be paid to the salving vessel shall be determined by the authorities of the country in whose territory is situated the port in which the salvaged property was delivered.

Article 12

No vessel shall, except by reason of distress, dump in the sea fishing gear, appurtenances or other articles which may obstruct or cause damage to fishing gear.

Chapter III

PROCEDURE RELATING TO THE POLICING OF THE FISHERIES

Article 13

1. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article II of the Agreement¹ shall rest with Norwegian fishery protection vessels.

¹ See p. 194 of this volume.

2. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article III of the Agreement shall rest with Soviet fishery protection vessels.

3. The commanders of vessels referred to in paragraphs 1 and 2 of this article shall carry documentary proof of their right to superintend the conduct of fishing operations, such documents to be drawn up in Russian and Norwegian and to be issued by the competent authorities of the appropriate Contracting Party.

Article 14

1. When the commander of a vessel referred to in paragraphs 1 and 2 of article 13 has reason to believe that a vessel of the other Contracting Party has infringed the provisions of chapter II of this Protocol, he or his representatives may board the said vessel and search it, insofar as such search is necessary in order to find the required evidence.

The commander of a fishery protection vessel or his representatives shall not remain longer on a vessel under search than is necessary for the conduct of the search.

Article 15

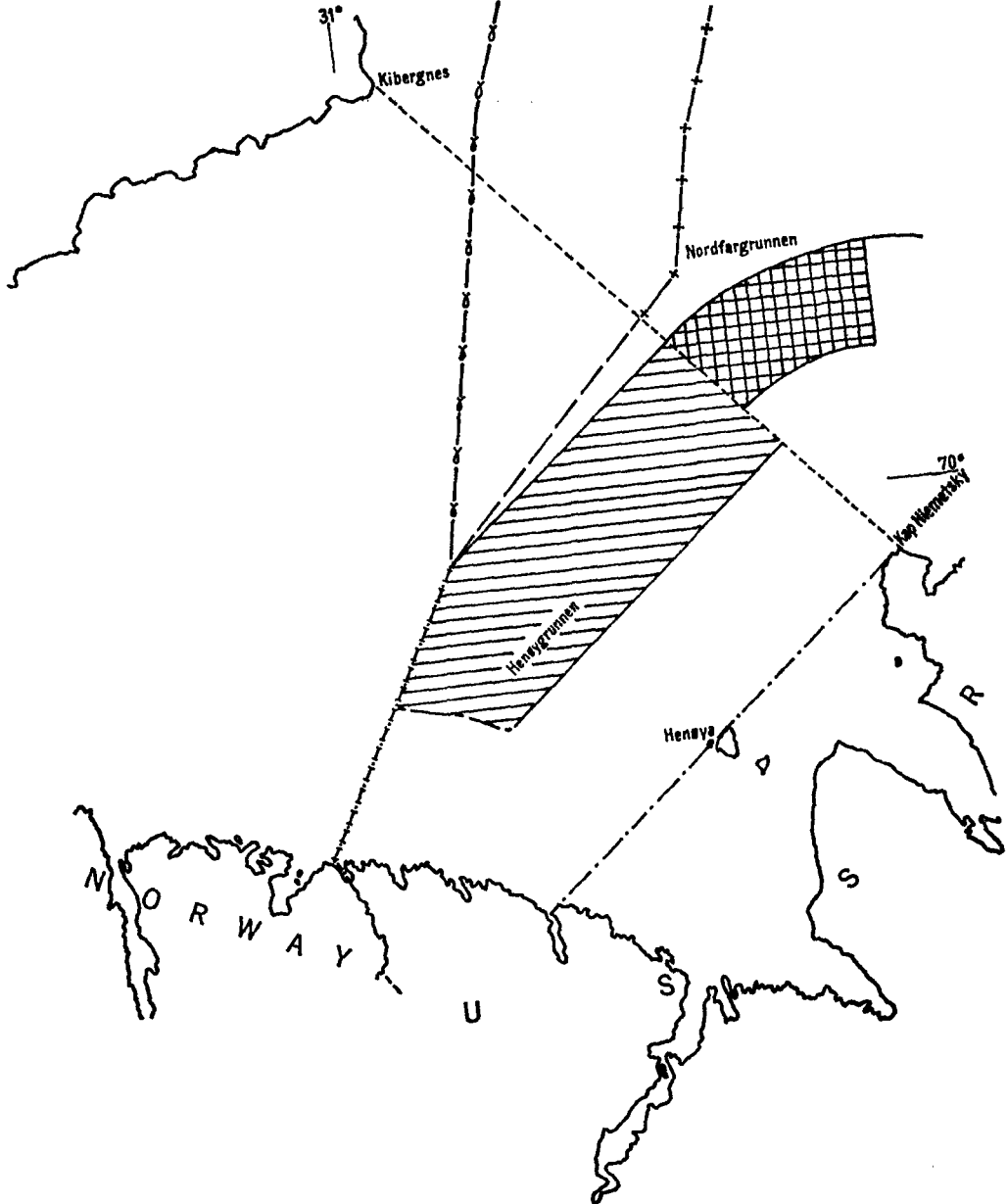
1. When a vessel belonging to the other Contracting Party is being searched, the commander of the fishery protection vessel shall draw up a statement, in Russian or Norwegian, of the reasons for and results of the search.

If, as a result of the search, the fact of an infringement by the fishing vessel of the provisions of chapter II of this Protocol is established, the Contracting Party whose representatives have discovered the infringement shall notify the other Contracting Party accordingly.

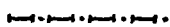




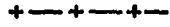


2. The master of a fishing vessel accused of infringing the provisions of chapter II of this Protocol, and the witnesses, shall be entitled to add observations to the statement, in their own language, and shall sign such observations.

M. S.

J. E.



KEY

-  Line of sea frontier between USSR and Norway in Varangerfjord as established by the Agreement of 15 February 1957. ¹
-  Outer limit of Soviet territorial waters.
-  Agreed line beyond which USSR and Norway have undertaken not to extend their territorial waters, as established by the Agreement of 15 February 1957.
-  Base line for the measurement of Soviet territorial waters.
-  Outer limit of Norwegian territorial waters.
-  Boundary of Norwegian fishing zone.
-  Area in which Norwegian fishermen may fish in accordance with article III of the Agreement.
-  Area in which Norwegian fishermen may fish in accordance with the exchange of letters of 22 February 1962.

¹ United Nations, *Treaty Series*, Vol. 312, p. 289.

EXCHANGE OF LETTERS

I

Moscow, 22 February 1962

Sir,

I have the honour to inform you herewith that the Government of the Union of Soviet Socialist Republics will permit fishing vessels registered in Norway and manned by Norwegian crews to engage in fishing in the territorial waters of the Soviet Union, in accordance with the provisions of the Soviet-Norwegian Agreement on Fishing initialled on 22 February 1962,¹ at a distance of eight to twelve miles from the shore in a zone bounded to the south-west by a straight line joining Cape Nemetsky to Cape Kibergnes, to the east by a meridian passing through Cape Nemetsky, and to the south by a line drawn in an arc at a distance of eight miles from Cape Nemetsky, as shown on the map² annexed to the said Agreement. The Government of the Soviet Union will grant this right to Norwegian nationals so long as Soviet vessels have the right to carry on loading and unloading operations connected with fishing in the region of Jan Mayen Island at a distance of four miles from the base line.

M. SUKHORUCHENKO
Head of the delegation
of the Union of Soviet Socialist Republics

Mr. Jens Evensen
Head of the delegation of the Kingdom of Norway
Moscow

II

Moscow, 22 February 1962

Sir,

I have the honour to refer to your letter of today's date, reading as follows :

[*See letter I*]

I thank you for this communication, which, together with the initialed Agreement and the Protocol thereto, will be placed before the Norwegian constitutional organs for approval.

Jens EVENSEN
Head of the delegation
of the Kingdom of Norway

Mr. M. N. Sukhoruchenko
Head of the delegation
of the Union of Soviet Socialist Republics
Moscow

¹ See p. 194 of this volume.

² See p. 208 of this volume.