

**No. 21897**

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**SPAIN  
and  
SOUTH AFRICA**

**Agreement on mutual fishery relations. Signed at Pretoria  
on 14 August 1979**

*Authentic texts: Spanish and English.*

*Registered by Spain on 26 May 1983.*

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**ESPAGNE  
et  
AFRIQUE DU SUD**

**Accord sur leurs relations mutuelles en matière de pêche.  
Signé à Pretoria le 14 août 1979**

*Textes authentiques : espagnol et anglais.*

*Enregistré par l'Espagne le 26 mai 1983.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA ON MUTUAL FISHERY RELATIONS

The Government of Spain and the Government of the Republic of South Africa,

Having regard to the concern of both Governments for the rational management, conservation and utilization of the living resources of the sea, and the concern of the Government of the Republic of South Africa for the welfare of its coastal communities and for the living resources of the adjacent waters upon which these communities depend,

Recognizing the fact that the Government of the Republic of South Africa has extended its jurisdiction over the living resources of its adjacent waters pursuant to and in accordance with relevant principles of international law, and exercises within a zone of 200 nautical miles sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Reaffirming their desire to maintain mutually beneficial co-operation in the field of fisheries,

Desirous of establishing the terms and conditions under which their mutual fishery relations shall be conducted and of promoting the orderly development of the Law of the Sea,

Have agreed as follows:

*Article I.* The Government of Spain and the Government of the Republic of South Africa undertake to co-operate in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such co-operation and shall continue to consult and co-operate in international negotiations and organizations with a view to achieving common fisheries objectives.

*Article II.* 1. (a) The Government of Spain shall take measures to ensure that fishing vessels under its jurisdiction operate in the South African fishing zone in compliance with the provisions of this Agreement and that they refrain from fishing for living resources within the fishing zone of the Republic of South Africa except as authorized in terms of this article.

(b) The Government of the Republic of South Africa undertakes to permit such number of vessels of Spain as may be agreed upon from time to time to fish within this fishing zone beyond the limits of the South African territorial waters, for allotments, as appropriate, of parts of total allowable catches surplus to South African harvesting capacity, in accordance with the provisions of paragraphs 2, 3 and 4 of this article and shall annually issue appropriate permits accordingly.

2. In the exercise of its jurisdiction in respect of living resources in the area referred to in paragraph 1, the Government of the Republic of South Africa will determine:

<sup>1</sup> Came into force on 8 March 1982, the date of the exchange of notes by which the Parties notified each other (on 8 February and 8 March 1982) of the completion of the required constitutional procedures, in accordance with article VIII.

- (a) The total allowable catch for individual stocks or complexes of stocks, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;
- (b) The South African harvesting capacity at that stage in respect of such stocks; and
- (c) After appropriate consultations such allotments as may be possible, for vessels of Spain of parts of surpluses of stocks or complexes of stocks.

3. To fish for allotments pursuant to the provisions of paragraphs 1 and 2, vessels of Spain shall obtain permits from the competent authorities in the Republic of South Africa. They shall comply with all appropriate laws, regulations and conditions in respect of fisheries and conservation measures established by the Government of the Republic of South Africa.

4. A permit referred to in paragraph 3 shall be issued for such period, subject to such conditions and restrictions and against payment of such moneys as may be determined by the Government of the Republic of South Africa. The said Government, for good cause and after giving reasonable notice, may at any time amend or alter such conditions and restrictions or withdraw such permit in the case of a breach of the conditions subject to which such a permit was issued.

5. (a) The Government of the Republic of South Africa undertakes, subject to the provisions of paragraph 2, to allow vessels of Spain in possession of valid fishing permits pursuant to the provisions of this article, to enter South African ports, in accordance with South African laws, regulations and administrative requirements, for purposes such as landing and transhipment of catches, purchasing of bait, supplies or outfits, effecting repairs and changing of crews.

(b) The Government of the Republic of South Africa will also allow fishing vessels of Spain operating in areas outside the area of fisheries jurisdiction of the Republic of South Africa, to enter South African ports, in accordance with South African laws, regulations and administrative requirements except in respect of vessels which the South African Government has good reason to believe have contravened its laws, regulations or international fisheries agreements to which the South African Government is a party. Nevertheless, this exception shall not affect access to South African ports in the following cases: emergency calls, medical emergencies and *force majeure*.

*Article III.* 1. The Government of Spain undertakes to co-operate with the Government of the Republic of South Africa, as appropriate in the light of the development of fisheries relations between the two countries pursuant to the provisions of this article, in scientific research for purposes of conservation and rational exploitation of the living resources of the area under South African fisheries jurisdiction.

2. Any research regarding fish, fish stocks, fishing techniques or the marine environment by a vessel of Spain within the area of South African fisheries jurisdiction will be subject to prior consultation with, and concurrence by the relevant South African authorities subject to such conditions as may be required.

*Article IV.* The Government of Spain and the Government of the Republic of South Africa undertake to co-operate directly or through appropriate international organizations to ensure proper management and conservation of the living resources of the seas beyond the limits of national fisheries jurisdiction, including

areas of the high seas beyond and immediately adjacent to the areas under their respective fisheries jurisdiction.

*Article V.* South African fisheries inspectors shall have the right to board and inspect any fishing vessel of Spain while it is within the fishing zone of the Republic of South Africa, whether or not such vessel is engaged in fishing, and such inspectors shall be assisted to board the vessel and to inspect the catch, fishing gear and the ship's records.

*Article VI.* The Government of Spain and the Government of the Republic of South Africa shall, as and when necessary, carry out bilateral consultations regarding the implementation of this Agreement and the development of further co-operation. In particular, they shall promote future bilateral co-operation on such matters as exchanges of technical information and personnel, and improvement of utilization and processing of catches. They shall examine jointly the facilitation of co-operative arrangements between enterprises of Spain and the Republic of South Africa with respect to the utilization of living resources of waters off the South African coast, as well as the expansion of markets for fish and fish products originating in South Africa.

*Article VII.* The present Agreement shall be without prejudice to other existing agreements between the two Governments or to existing multilateral conventions to which the two Governments are party or to the position of either Government with regard to the limits of maritime jurisdiction.

*Article VIII.* This Agreement shall enter into force on a date to be mutually agreed upon by exchange of notes, upon the completion of internal procedures of both Parties.

*Article IX.* This Agreement shall be subject to review by the two Governments two years after its entry into force.

*Article X.* This Agreement may be terminated by either Party ten years after the date of its entry into force or at any time thereafter provided that notice of termination of at least 12 months is given through the diplomatic channel.

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

DONE at Pretoria, on the fourteenth day of August 1979, in duplicate in the English language.

[Signed]

For the Government  
of Spain:

MIGUEL ALDASORO  
Subsecretario de Pesca  
y Marina Mercante

[Signed]

For the Government  
of the Republic of South Africa:

SCHALK VAN DER MERWE  
Ministro de Industria