

No. 25889

**ARGENTINA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on cooperation in respect of fishing. Signed at
Buenos Aires on 28 July 1986**

Authentic texts: Spanish and Russian.

Registered by Argentina on 25 April 1988.

**ARGENTINE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Accord de coopération en matière de pêche. Signé à Buenos
Aires le 28 juillet 1986**

Textes authentiques : espagnol et russe.

Enregistré par l'Argentine le 25 avril 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON COOPERATION IN RESPECT OF FISHING

The Government of the Argentine Republic and the Government of the Union of Soviet Socialist Republics, hereinafter referred to as the "Parties",

Having regard to the friendly relations existing between the two countries,

Taking into consideration their common interest in the conservation, optimal utilization and management of the living resources of the sea in the south-western part of the Atlantic Ocean,

Taking into account the United Nations Convention on the Law of the Sea,²

With a view to helping revitalize fishing in the Argentine Republic and to establishing principles and conditions governing cooperation between the Parties in respect of fishing,

Attaching special significance to the importance of scientific research in respect of fishing,

Desiring to develop fruitful, lasting and mutually advantageous economic cooperation in respect of fishing,

Have agreed as follows:

Article 1

The Parties undertake to cooperate on a mutually advantageous basis in respect of fishing in accordance with the principles and norms of international law and the law of the sea, including the conservation and optimal utilization of the living resources of the sea in the south-western part of the Atlantic Ocean.

Article 2

The Argentine Party undertakes to permit vessels flying the flag of the USSR to fish in the Argentine Republic's exclusive economic zone hereinafter referred to as the "Zone", in connection with part of the surplus of the allowable catch of living resources of the sea in accordance with the provisions and conditions established by this Agreement.

Article 3

The Argentine Party undertakes to provide port facilities to vessels flying the flag of the USSR covered by this Agreement, including facilities in regard to change of crew, repairs and provisions, with a view to ensuring more effective implementa-

¹ Came into force on 18 March 1987, the date of the exchange of notes by which the Parties informed each other of its approval, in accordance with article 19.

² Not entered into force at the date of registration of the above-mentioned Agreement. For the text of the Convention as adopted by the Conference, see Documents of the United Nations Conference on the Law of the Sea, A/CONF.62/122 and Corr.1 to 11 or United Nations Publication E.83.V.5.

tion of this Agreement, in accordance with Argentine laws, norms and administrative regulations.

Article 4

In exercise of its sovereign rights in respect of the living resources of the Zone the Argentine Party through its authority responsible for implementing this Agreement, shall every year determine:

(a) The allowable catch for each species and as a whole, in accordance with the most reliable scientific data, with due regard for ecological and other attendant factors, giving special attention to the interdependence of stocks, fishing patterns, international standards and other relevant factors;

(b) The harvesting capacity of the Argentine fleet in respect of each species;

(c) The surplus of the allowable catch for each species not harvested by the Argentine fleet;

(d) That part of the surplus of the allowable catch for each species and for all species together that vessels flying the flag of the USSR will be allowed to harvest.

Article 5

The Argentine Party, through its authority responsible for implementation of this Agreement, shall determine every year, in connection with the part of the surplus referred to in article 4 (d) of this Agreement:

(a) The areas and periods and seasons in which fishing will be permitted, limited or regulated;

(b) The species, stocks, sizes, quantities, weights, sex, accidental catches, total biomass and other factors in determined areas;

(c) The type, size, quantity of vessels and number of days in which each vessel or the entire fleet may fish in a given area or for a specific species of living resources of the sea and the type, size and quantity of tackle which may be used.

Article 6

The Argentine Party, through its authority responsible for implementation of this Agreement, shall at the proper time communicate to the Soviet Party the information indicated in articles 4 and 5 as well as all relevant new provisions, in order to facilitate the implementation of any additional agreements that may be reached on the basis of this Agreement.

Article 7

The Soviet Party shall make the necessary arrangements to ensure that:

(a) Its citizens and fishing vessels do not engage in fishing for the living resources of the sea in the Zone unless they have appropriate permits issued by the Argentine Party;

(b) Vessels flying the flag of the USSR, and having a permit allowing them to fish within the Zone, comply with the provisions of this Agreement, additional agreements, and the laws and rules of the Argentine Republic on the conservation of the living resources of the sea in the Zone;

(c) Soviet vessels of the Union of Soviet Socialist Republics may provide and facilitate access on board to the competent officials of the Argentine Party for the purpose of inspecting and monitoring implementation of this Agreement, additional agreements and Argentine laws and regulations concerning fishing in the Zone;

(d) Soviet fishing vessels of the Union of Soviet Socialist Republics obey the instructions of the competent Argentine authorities in respect of the regulations for fishing in the Zone.

Article 8

The Parties undertake to study the problems involved in increasing the Soviet market for Argentine fish products and also lowering or eliminating tariff and non-tariff restrictions on such fish products.

Article 9

The Parties agree to implement this Agreement by means of additional agreements to be concluded on a mutually advantageous basis between enterprises and organizations belonging to the Parties, for the joint exploitation of the living resources of the sea in the Zone, in the form of a joint venture. The Parties shall also study other forms of co-operation.

Argentine enterprises and organizations that conclude supplementary joint venture agreements with Soviet enterprises and organizations must be in operation and have experience in the fishing sector.

The Argentine Party, through its authority responsible for implementing this Agreement, shall determine the other requirements and conditions to which Argentine enterprises and organizations must conform in order to be able to operate within the framework of this Agreement.

Soviet enterprises and organizations that conclude additional joint venture agreements with corresponding Argentine enterprises and organizations must have no previous history of exploiting the living resources of the sea in the Zone or any economic activity in the fishing sector of the Argentine Republic prior to the time this Agreement comes into force.

Article 10

The Parties agree that the additional agreements shall provide for the following:

(a) The commitment on the part of the Soviet participant in the joint venture to purchase, either directly or through an affiliated enterprise with Soviet participation, a share of the fish output products of the Argentine participant in the joint venture, taking into account the volume of the catch of vessels flying the flag of the USSR authorized to fish in the area specified in article 5 of this Agreement.

The volume of the fish products to be purchased and the cost thereof shall be determined by agreement between the participants in the joint venture and with the approval of the Argentine authority responsible for the implementation of this Agreement;

(b) The obligation of the Soviet participant in the joint venture to ship to the Soviet Union the share of the fish products belonging to it in accordance with the additional agreement;

(c) The obligation of the Soviet participant operating vessels flying the flag of the USSR authorized to fish in the Zone in accordance with the additional agreements to use only Argentine ports and to obtain whatever port services it may need from Argentine firms, with the exception of services for change of crews and ship repairs carried out by the ship's crew;

(d) Authorized vessels flying the Soviet flag shall unload their catch in Argentine ports, whether for transshipment to other vessels or in transit for subsequent reloading or unload their catch under the supervision of the competent Argentine authorities in easily accessible areas.

If the Parties agree, the unloading may take place in the Zone, the living expenses of the Argentine supervisory personnel being borne by the joint venture;

(e) Argentine citizens duly authorized by the Argentine authority shall account for at least 10 per cent of the crew of authorized vessels flying the flag of the USSR. Salaries, social security, compensation and other expenses arising from the presence on board of Argentine personnel shall be borne by the joint venture. The joint venture shall determine the distribution on the vessels and the conditions to be met by the Argentine personnel;

(f) The Soviet participants in the joint venture shall, if requested, agree to the placement on board vessels flying the flag of the USSR of a representative of the Argentine authority responsible for implementation of this Agreement, and/or of an Argentine participant in the joint venture, the salaries, social security, compensation and other expenses being borne by the sending Party;

(g) Additional agreements shall be implemented and executed in accordance with Argentine legislation and jurisdiction;

(h) The participants in the joint venture shall be jointly responsible for implementing this Agreement and the provisions of Argentine legislation in so far as they are relevant, and for the implementation of additional agreements;

(i) The period of validity of additional agreements shall not exceed one year.

Article 11

The Argentine Party, through its authority responsible for the implementation of this Agreement, shall, prior to making the entries stipulated in article 12, verify whether the additional agreements are consistent with the provisions of this Agreement and of Argentine laws governing fishing, and if they are, it shall issue the appropriate fishing permits to vessels flying the flag of the USSR.

The Argentine Party, through its authority responsible for implementation of this Agreement, shall likewise verify, when executing the additional agreements, whether the provisions of this Agreement, of the additional agreements and of Argentine laws governing fishing are being observed.

Article 12

The Argentine Party, through its authority responsible for the implementation of this Agreement, shall keep a special register in which it shall keep a record of:

(a) Additional agreements concluded pursuant to the present Agreement;

(b) Fishing permits granted in accordance with the respective additional agreements;

(c) Vessels flying the flag of the USSR that have been granted fishing permits and the rolls of their crew.

The Registration of the additional agreements shall be subject to the payment by the joint venture of a tax to be administered by the Argentine authority responsible for the implementation of this Agreement.

When for reasons of *force majeure* or routine maintenance it is necessary to replace any vessel flying the flag of the USSR and holding a fishing permit, or members of its crew, the substitution shall be listed ahead of time in the special register.

Article 13

The authorities responsible for implementing this Agreement shall be, for the Argentine Party, the Secretariat of Agriculture, Livestock Breeding and Fishing of the Ministry of Economic Affairs of the Argentine Republic, and for the Soviet Party, the Ministry of the Fishing Industry of the USSR.

Article 14

The Parties shall agree, directly or through the relevant international organizations, on the measures required in order to ensure the preservation in the area adjacent to the Zone of the stock and stocks of associated species that are found both in the Zone and in the adjacent area.

Article 15

The Parties undertake to cooperate in conducting scientific research required for the conservation, optimal utilization and management of the living resources of the sea in the area adjacent to the Zone.

Scientists and specialists of both Parties shall hold consultations in order to conduct such research and to interpret the results obtained.

The Parties undertake to exchange data on the catch of their vessels in the adjacent area and also any scientific, and statistical information pertaining to fishing which they may possess concerning the stock and stocks of associated species found in the Zone and in the adjacent area.

The Parties undertake to carry out a mutual exchange of specialists in respect of fishing and information on the technology of commercial fishing and the technology for the processing, recovering, preservation, optimal utilization and management of the living resources of the sea.

Article 16

With a view to helping promote the implementation of this Agreement and to developing cooperation in respect of fishing the Soviet Party shall accredit to the Ministry of Foreign Affairs and Worship of the Argentine Republic, as part of the Embassy of the USSR in Argentina, an attaché for fishing affairs and two assistants.

Article 17

To help promote the implementation of this Agreement and subsequently to develop cooperation in respect of fishing, the Parties agree to establish a mixed Argentine-Soviet fishing commission, hereinafter referred to as the "Mixed Commission".

The Mixed Commission shall consist of one representative and a maximum of two alternates appointed by each Party.

The Mixed Commission shall meet at least once a year alternately in the respective capitals, or in whatever other place in their respective territories the Parties agree upon.

The Mixed Commission shall consider matters connected with the implementation of this Agreement and shall prepare for the Parties recommendations designed to ensure its proper implementation.

Article 18

Nothing in this Agreement shall be deemed prejudicial to other existing agreements between the Parties or to multilateral conventions and agreements which both are a party to, or to their respective positions in respect of the law of the sea.

Article 19

This Agreement shall enter into force on the date of the exchange of notes between the Parties informing one another that it has been approved in accordance with their national legislation.

This Agreement shall remain in force for two (2) years, after which it shall be renewed automatically for one-year periods, unless either Party gives notice, in writing not later than six months before the expiry of the Agreement, that it wishes to terminate the Agreement.

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

DONE in Buenos Aires on 28 July 1986, in duplicate, each in the Spanish and Russian languages, both texts being equally authentic.

For the Government
of the Argentine Republic:

[LUCIO RECA]

For the Government
of the Union of Soviet
Socialist Republics:

[OLEG KVASOV]