

No. 26859

**FRANCE
and
UNION OF SOVIET SOCIALIST REPUBLICS**

Exchange of letters constituting an agreement concerning the activities of Russian fishing vessels in the economic zone of the Kerguelen Islands (with related letter). Moscow, 5 November 1988

Authentic texts: French and Russian.

Registered by France on 6 October 1989.

**FRANCE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

Échange de lettres constituant un accord relatif aux activités des navires de pêche soviétiques dans la zone économique des îles Kerguelen (avec lettre connexe). Moscou, 5 novembre 1988

Textes authentiques : français et russe.

Enregistré par la France le 6 octobre 1989.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE GOVERNMENT OF THE UNION OF SOVIET
SOCIALIST REPUBLICS CONCERNING THE ACTIVITIES OF
SOVIET FISHING VESSELS IN THE ECONOMIC ZONE OF THE
KERGUELEN ISLANDS

I

FRENCH REPUBLIC
EMBASSY OF FRANCE IN USSR

Moscow, 5 November 1988

Sir,

I have the honour to refer to Decree No. 78-144 of 3 February 1978 establishing, in pursuance of the law of 16 July 1976, an economic zone off the coasts of the French Southern Lands, to the agreements entered into by the Government of the French Republic and the Government of the Union of Soviet Socialist Republics on 29 September 1979, 22 November 1980, 2 August 1982, 3 August 1984 and 8 August 1986 on the fishing conditions for Soviet vessels in the economic zone (hereinafter called the zone) off the Kerguelen Islands, and to the Franco-Soviet talks aimed at concluding a new agreement.

I have the honour to propose the following:

Soviet fishing vessels shall be authorized to carry on fishing activities in the zone under the conditions specified hereinafter:

1. The competent French authorities shall grant licences for fishing in the zone to Soviet vessels in respect of which the French Government has recognized that right.

2. The quantities of catch authorized, the maximum number of vessels holding a fishing licence and simultaneously present in the zone and the maximum number of fishing days permitted are indicated in annexes I and II, which shall constitute an integral part of this Agreement.

3. The vessels shall implement the provisions of French regulations in force governing the conditions for obtaining fishing rights by foreign vessels in the economic zones off the coasts of French Overseas Territories (namely, Decree No. 78-963 of 19 September 1978 and its implementing texts and on the conservation of the living resources of the sea (namely, Law No. 66-400 of 18 June 1966, Decree No. 69-408 of 25 April 1969 and its implementing texts or subsequent texts).

¹ Came into force by the exchange of letters, in accordance with the provisions of the said letters.

4. Applications for authorization to put in and moor in French territorial waters off the Kerguelen Islands shall be addressed to the competent French authorities.

It is further recalled that the provision of water supplies to Soviet fishing and support vessels shall be subject to prior authorization by the competent French authorities and may take place only in the locations and under the conditions stipulated in the authorization.

5. The Soviet Party shall transmit through the diplomatic channel at least one month before the beginning of each fishing period a fishing plan and a list of vessels for which it requires licences. The fishing periods are set forth in annex I.

The lists shall be drawn up in conformity with the provisions of article 3 of Decree No. 78-963 of 19 September 1978.

The Soviet Party may request authorization to amend the list of vessels referred to in the first paragraph of this article. Requests by the Soviet Party to amend the list of vessels shall be sent to the competent French authorities through the diplomatic channel. The French Party undertakes to respond to such requests as soon as possible.

6. At the request of the French authorities, up to two French scientific observers or fishing specialists may board each vessel fishing in the zone under the Soviet flag.

The observers and specialists shall be provided with accommodation and food of officer standard. Their presence on board will constitute a mutual advantage for the two Parties.

The French Party may request that observers or specialists board a Soviet vessel at its last port of call before arriving in the zone of the Kerguelen Islands. In this case, the licence shall be delivered to the vessel in question by the observer or specialist.

7. The transfer of catches from fishing vessels under the Soviet flag shall take place under the supervision of the French authorities at Port-aux-Français or in any other suitable location in territorial waters or the zone designated by the French authorities.

8. A shipping agent who shall be financially responsible shall be designated in France by the Soviet Party.

9. The Soviet Party shall supply the French Party with statistical information on a six-monthly basis concerning the monthly catches made in the zone of the Kerguelen Islands.

The statistics shall include, by catch sectors 3° on either side of latitude 40° 30' South and longitude 69° East:

- The catches in tons and by species;
- The average number of vessels;
- The fishing effort.

10. The Soviet Party shall pay to the competent French authorities a predetermined sum of money for fishing rights (a condition for the granting of licences). This sum shall be paid in accordance with the arrangements set forth in annex I hereto, which shall constitute an integral part of this Agreement.

The granting of licences shall be conditional upon advance payment for the fishing rights. The duration of the licences shall not exceed that of the validity of this Agreement.

11. The Soviet Party shall also communicate to the local authorities the number and characteristics of accompanying vessels in the zone to service the fishing vessels.

French scientific observers may be taken aboard the vessels in question.

12. This Agreement shall not affect the positions of principle of the Contracting Parties in the context of international agreements.

13. This Agreement shall remain in force from 1 January 1989 to 30 September 1991.

Either Party may, two months before this Agreement expires, request its renewal or amendment. In that case the results of the Agreement in particular shall be taken into account.

If these provisions are acceptable to you, I have the honour to suggest that this letter and your reply shall constitute an Agreement between the Government of the French Republic and the Government of the Union of Soviet Socialist Republics which shall enter into force on 1 January 1989.

Accept, Sir, etc.

[Signed]

PATRICK GAUTRAT
Head of the French Delegation

Mr. N. P. Kudryavtsev
First Deputy Minister of Fisheries
of the USSR
Head of the Soviet Delegation

ANNEX I

Authorized quota	Payment for fishing rights		Maximum number of authorized days in zone ⁽¹⁾	Maximum number of vessels holding a licence	Maximum number of fishing vessels in zone ⁽³⁾
	Amount of payment	Deadline for payment			
For the first year:					
— From 1 January 1989 to 30 September 1989 ⁽⁴⁾					
— 10,500 t	2,750,000 F		800	16	7
	of which				
	1,500,000 F	15.12.88			
	1,250,000 F	15.03.89			
For the second and third years:					
— From 1 October 1989 to 30 September 1990 ⁽⁴⁾	(2)	(2)	(2)	(2)	(2)
— From 1 October 1990 to 30 September 1991 ⁽⁴⁾					

⁽¹⁾ The periods of time spent transferring catches and embarking and disembarking observers shall be deducted from the number of days spent in the zone by fishing vessels under the Soviet flag.

⁽²⁾ All the relevant data for the second and third years of the Agreement shall be determined by common agreement between the two Parties before 1 August 1989 and 1 August 1990, respectively.

⁽³⁾ The maximum number of fishing vessels in the zone shall include one vessel searching for fish, the activities of which shall be governed by the conditions set forth in annex III.

⁽⁴⁾ The fishing periods defined in article 5 of the Agreement are the following:

— From 1 October to 30 April and from 1 July to 30 September.

In the first year in which the Agreement is in force, the first fishing period shall begin on 1 January 1989.

ANNEX II

QUOTAS BY SPECIES

From 1 January 1989 to 30 September 1989 consisting of:	TOTAL	10,500 tons
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— Champsocephalus gunnari: 7,500 tons ⁽¹⁾		
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— Notothenia squamifrons: 1,000 tons ⁽¹⁾		
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— Notothenia rossi: 400 tons ⁽²⁾		
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From 1 October 1989 to 30 September 1990 ⁽³⁾ and from 1 October 1990 to 30 September 1991 ⁽³⁾ of which:	TOTAL	(3)
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— Champsocephalus gunnari:		(3)
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— Notothenia squamifrons:		(3)
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— Notothenia rossi:		(3)
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⁽¹⁾ The quantities indicated may be exceeded by a maximum of 10 per cent in respect of the specific quotas for the species indicated, provided that the overall total is not exceeded.

⁽²⁾ This figure corresponds to the maximum additional catch when other species are being fished and shall be included in the overall total.

⁽³⁾ The relevant statistics for the periods from 1 October 1989 to 30 September 1990 and from 1 October 1990 to 30 September 1991 (overall tonnage, quotas by species, allowable divergence) shall be determined by common agreement between the two Parties before 1 August 1989 and 1 August 1990, respectively.

ANNEX III

WORKING CONDITIONS FOR THE SOVIET FISHING AND SEARCH VESSEL

The Soviet fishing and search vessel shall carry out work of a scientific nature in connection with hydrological research using a hydrological winch fitted with bathythermograph and bathymeter.

The vessel shall take on board up to three French specialists or observers. They may take on board the equipment they need in order to fulfil the programme drawn up by the Soviet Party.

All the scientific results obtained during the search shall be made available to both Parties.

II

Moscow, 5 November 1988

Sir,

I have the honour to acknowledge receipt of your letter of 5 November 1988, the text of which reads as follows:

[See letter I]

I have the honour to inform you that the provisions of this Agreement are acceptable to me.

Accept, Sir, etc.

N. P. KUDRYAVTSEV
First Deputy Minister of Fisheries
of the USSR
Head of the Soviet Delegation

Mr. P. Gautrat
Head of the French Delegation

[Annexes as under letter I]

RELATED LETTER

FRENCH REPUBLIC
EMBASSY OF FRANCE IN USSR

Moscow, 5 November 1988

Sir,

During the negotiations on the Kerguelen Islands [which took place from 2 to 5 November 1988],¹ the Soviet Party expressed the wish to carry out a joint study with the French Party in order to improve knowledge of fishing conditions in the zone of the Kerguelen Islands. I have the honour to inform you of the conditions under which this programme will be carried out on board a Soviet vessel.

1. *The scientific programme.* Shall be established jointly by scientists of the two Parties on the basis of the document drawn up in Batumi. The final programme and the means of its implementation shall, after approval by both Parties, be subject to authorization by the French authorities.

2. The programme shall be carried out under the joint direction of the two Parties. To that end, each of them shall nominate a joint head of mission. The French Overseas Territory shall retain the option of designating a representative with powers of inspection who may participate in the scientific work if so required.

3. *The timetable.* Shall be the subject of a joint proposal by the scientists of the two Parties and shall be included, after approval by both Parties, in the programme defined in article 1 above.

The French Party might request that the vessel in question leave or return to an accessible port (in Réunion or Mauritius). The actual date of departure of the vessel shall be communicated to the French Party one month before the departure.

4. The fish caught in the context of this programme shall be included in the total quota specified in the Agreement signed on 5 November 1988.

5. There shall be a maximum of six and a minimum of one French scientist on board the vessel throughout the duration of the programme. They shall be accommodated and fed according to the applicable standards for Soviet officers.

6. The French team may use the Soviet facilities under the same conditions as the Soviet scientists. They shall in particular have the possibility to take any samples and make any measurements within the framework of the programme. The samples obtained by the French Party shall be disembarked either in Kerguelen or in an accessible port (in Réunion or Mauritius).

7. The measuring and sampling operations of interest to both Parties shall be made the subject of documents drawn up in duplicate. The measurements shall relate in particular to temperature, salinity, oxygen, nutrient salts, and quantity and size of fish.

¹ The text in brackets appears in the authentic French text only — Le texte entre crochets ne figure que dans le texte authentique français.

8. The French Party may take on board scientific material and equipment to the extent to which they are compatible with equipment already installed on the vessel (expandable bathythermograph, plankton nets, bathymeter, etc.).

Accept, Sir, etc.

[*Signed*]

PATRICK GAUTRAT
Head of the French Republic

Mr. N. P. Kudryavtsev
First Deputy Minister of Fisheries
of the USSR
Head of the Soviet Delegation
