

[TRANSLATION - TRADUCTION]¹

AGREEMENT BETWEEN NORWAY AND ICELAND ON FISHERY AND CONTINENTAL SHELF QUESTIONS

The Governments of Norway and of Iceland.

Recognizing the need to take effective measures for the conservation, rational exploitation and reproduction of the living resources of the sea, and furthermore for the rational exploitation of the natural resources on and in the continental shelf,

Recognizing that under international law it is the two countries, as coastal States, which bear the main responsibility for the effective conservation and rational exploitation of these natural resources,

Recognizing the importance of coordinated, close and friendly cooperation between the two countries in order to secure these aims and recognizing likewise the necessity of coordinated cooperation with other affected countries in order to secure these aims,

Recognizing Iceland's strong economic dependence on the fisheries, cf. Article 71 in the text of the Conference on the Law of the Sea,

Considering that Iceland has established an economic zone of 200 nautical miles and that Norway will in the near future establish a Fishery zone round Jan Mayen,

Recognizing the special circumstances of importance for the drawing up of a dividing line between the two countries in the sea areas concerned for fishery and continental shelf purposes,

Expressing their apprehension with regard to the danger of overfishing which in particular threatens the capelin stock.

Taking account of the work which is being done by the Third United Nations Conference on the Law of the Sea, work which has not yet been completed,

Have agreed as follows:

Article 1

The Parties shall cooperate on practical questions in the fisheries sector, attaching particular importance to measures directed towards conservation, rational exploitation and sound reproduction of the fish stocks which migrate in the sea areas between Iceland and Jan Mayen.

The Parties shall exchange information regarding catch statistics and national fishery measures, coordinate scientific research and pool their experience in respect of developments in the fisheries.

1. Translation supplied by the Government of Norway- Traduction fournie par le Gouvernement norvégien.

Article 2

A Fisheries Commission shall be established. Each of the two Parties shall appoint one representative and one deputy representative to this Commission. The representatives may be assisted by advisers and experts.

The Commission shall meet at least once each year, alternately in each of the two countries. In addition, the Commission shall meet as often as proves necessary.

In addition to the Commission, a Working Group shall be set up composed of marine research scientists from the two countries. The Group shall assist the Commission with scientific advice in connection with its work.

Article 3

The Commission shall consult on such questions as arise in connection with the implementation of the regulatory measures for fishing. It shall submit proposals and recommendations to the two Governments concerning the fishing of migrating stocks in the area, including recommendations in respect of the total allowable catch for such stocks and the distribution of this total allowable catch, and shall also discuss and coordinate other conservation measures. Unanimous recommendations from the Commission become binding after two months if neither Party's Government has raised any objection.

The Parties may instruct the Commission to deal with and study other questions which arise.

Article 4

Given the fact that the capelin stock migrates in both Parties' zones, the Parties shall seek to agree on the total allowable catch for capelin. If agreement is not reached, Iceland, as the Party with the greatest interest in the capelin stock, may stipulate the total allowable catch.

If it turns out that the total allowable catch of capelin for the season is altered as compared with the catch volume which formed the basis for the Norwegian quota, Norway's quota shall be adjusted correspondingly during the same or the subsequent fishing season.

Norway may consider herself unbound by the total allowable catch if the stipulation thereof is considered to be clearly unreasonable.

Article 5

Norway's share of the total allowable catch for capelin in the Jan Mayen zone is stipulated for the first four years, including 1980, at 15 per cent.

The distribution of the capelin quota between Norway and Iceland can be reexamined in the Fisheries Commission at the latest at the expiry of the four-year period in the light of the developments which have taken place in fishing and on the basis of research findings with regard to the distribution of the capelin stock between the different zones. If agreement is not reached, the Governments of the two countries shall discuss the situation with a view

to arriving at a solution paying due regard to the considerations on which the two Parties have based themselves in drawing up this Agreement.

Article 6

Of that part of the total allowable catch which is due to Iceland pursuant to Article 5, Icelandic fishermen shall be entitled to fish in the Jan Mayen zone a quantity of capelin corresponding to that part of the total allowable catch which is due to Norway pursuant to Article 5.

As regards other migrating stocks, reasonable regard shall be paid to Iceland's dependence on fishing in general and to Iceland's interest in fishing in the Jan Mayen zone. Of that share which is allocated to Iceland in negotiations with Norway and other countries, Iceland may fish a reasonable part in the Jan Mayen zone. Iceland's catch volume in the Jan Mayen zone shall be discussed in the annual consultations in the Fisheries Commission.

Article 7

Each of the Parties may transfer to third countries the right to fish within the quotas they themselves are allocated pursuant to Article 5. Such fishing by third countries may only take place in that Party's own zone.

Article 8

The Parties recognize that effective conservation and rational exploitation of migrating stocks may necessitate consultations and the coordination of fishery measures with other countries, including the stipulation of the total allowable catch and the distribution thereof, in accordance with the principles in Article 63 in the text of the Conference on the Law of the Sea and the provisions of the present Agreement.

Article 9

The question of the dividing line for the shelf in the area between Iceland and Jan Mayen shall be the subject of continued negotiations.

For this purpose the Parties agree to appoint at the earliest opportunity a Conciliation Commission composed of three members, of which each Party appoints one national member. The chairman of the Commission shall be appointed by the Parties jointly.

The Commission shall have as its mandate the submission of recommendations with regard to the dividing line for the shelf area between Iceland and Jan Mayen. In preparing such recommendations, the Commission shall take into account Iceland's strong economic interests in these sea areas, the existing geographical and geological factors and other special circumstances.

The Commission shall adopt its own rules of procedure. The unanimous recommendations of the Commission shall be submitted to the two Governments at the earliest oppor-

tunity. The Parties envisage the presentation of the recommendations within five months of the appointment of the Commission.

These recommendations are not binding on the Parties: but during their further negotiations the Parties will pay reasonable regard to them.

Article 10

In the event of activities taking place on the shelf areas between Iceland and Jan Mayen in connection with the exploration for or exploitation of the natural resources on or in the shelf, the Parties undertake to initiate close mutual consultations and close cooperation with regard to the adoption and enforcement of the necessary safety regulations in order to avoid any pollution which might endanger the living resources in these sea areas or otherwise have a harmful effect on the marine environment.

The Parties undertake to submit to each other specific plans for such activities in connection with the exploration for or exploitation of the shelf resources in ample time prior to the commencement of such activities.

Article 11

This Agreement shall not become binding until the Parties, by an exchange of notes, have notified each other that the necessary constitutional steps have been taken.

In witness whereof the respective Plenipotentiaries have signed this Agreement.

Done at Reykjavik the twenty-eighth day of May, nineteen hundred and eighty, in duplicate in Norwegian and in Icelandic, both texts being equally authoritative.

For the Government of Norway:

[KNUT VOLLEBAEK]

For the Government of Iceland:

[HALLDÓR ÁSGRIMSSON]