



Treaty Series No. 54 (1968)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the French Republic

concerning the Status of Previous Fisheries Agreements in
relation to the Fisheries Convention opened for signature
in London from March 9 to April 10 1964

London, April 10 1964

[The Agreement constituted by this Exchange of Notes entered into
force on signature]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
July 1968*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE FRENCH REPUBLIC CONCERNING
THE STATUS OF PREVIOUS FISHERIES AGREEMENTS IN
RELATION TO THE FISHERIES CONVENTION OPENED FOR
SIGNATURE IN LONDON FROM MARCH 9 TO APRIL 10, 1964**

No. 1

*From the French Ambassador to Her Majesty's Principal Secretary of State
for Foreign Affairs*

Monsieur le Secrétaire d'Etat,

Le 10 avril 1964.

Au moment de signer la Convention sur la pêche adoptée à Londres le 2 mars 1964, j'ai l'honneur d'appeler l'attention de Votre Excellence sur ce qui suit :

Le régime général de la pêche entre la France et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a été jusqu'à présent défini par la Convention du 2 août 1839 et par le Règlement général du 24 mai 1843.

Ces deux actes stipulaient une dérogation au régime général en ce qui concerne la baie de Granville. L'accord franco-britannique du 20 décembre 1928 a eu pour but de modifier certains détails de délimitation des eaux de la baie de Granville auxquelles s'appliquait le régime particulier défini par les actes de 1839 et de 1843.

Par la suite un accord du 30 janvier 1951 a déterminé, en ce qui concerne les parages des Iles Minquiers et Ecréhous, un régime d'exception au régime général de la pêche entre la France et la Grande-Bretagne, qui devait avoir un caractère définitif quelle que fut la décision de la Cour Internationale de Justice au sujet de l'attribution de la souveraineté sur ces îlots.

Au cours d'une conférence à laquelle le gouvernement britannique avait notamment invité les divers gouvernements intéressés par la pêche le long des côtes britanniques une Convention sur la pêche a été élaborée à Londres en mars 1964 et le régime défini par cette Convention a été par suite déterminé en accord avec le gouvernement français.

Il a été entendu entre les délégations française et britannique à la Conférence de Londres que la modification du régime général de la pêche entre les deux pays, qui résulterait de la Convention ouverte à la signature le 9 mars 1964, ne porterait pas atteinte aux régimes particuliers institués entre les deux pays en ce qui concerne la baie de Granville et les parages des îlots du groupe des Minquiers et des Ecréhous. Une disposition spéciale a été introduite à cet effet à l'article 10 (d) de ladite Convention.

En conséquence j'ai l'honneur de faire savoir à Votre Excellence que le gouvernement français est prêt à adopter les dispositions suivantes :

- (1) Les dispositions des actes ci-dessus mentionnés qui ne seront plus compatibles avec les dispositions de la nouvelle Convention, cesseront d'avoir effet lorsque celle-ci deviendra applicable entre les deux gouvernements.
- (2) Les dispositions de la Convention du 2 août 1839 du Règlement général du 24 mai 1843 et de l'accord franco-britannique du 20 décembre 1928 relatives au régime particulier de la pêche dans la baie de Granville, ainsi que les dispositions de l'accord franco-britannique du 30 janvier 1951, continuent à être applicables aux pêcheurs français et britanniques.
- (3) Les dispositions des actes visés au paragraphe 2 ci-dessus concernant le régime particulier de la pêche seront reprises dans un arrangement bilatéral qui sera conclu le plus rapidement possible entre les deux gouvernements.

Si les dispositions qui précèdent rencontrent l'agrément du Gouvernement du Royaume-Uni, j'ai l'honneur de proposer à Votre Excellence que la présente note et la réponse de Votre Excellence soient considérées comme constituant l'accord des deux gouvernements à ce sujet.

Je saisis cette occasion de renouveler à Votre Excellence les assurances de la très haute considération avec laquelle j'ai l'honneur d'être,

son très humble et

très obéissant serviteur

G. DE COURCEL.

(Translation of No. 1)

Monsieur le Secrétaire d'Etat,

London, April 10, 1964.

At the moment of signing the Fisheries Convention adopted in London on March 2, 1964,⁽¹⁾ I have the honour to invite Your Excellency's attention to the following:

The general fisheries régime between France and the United Kingdom of Great Britain and Northern Ireland has up to the present been defined by the Convention of August 2, 1839,⁽²⁾ and the Regulations of May 24, 1843.⁽³⁾

These two instruments provided for a derogation from the general régime in so far as Granville Bay is concerned. The Franco-British Agreement of December 20, 1928,⁽⁴⁾ had as its object the modification of certain details of the delimitation of the waters of Granville Bay to which the special régime defined by the instruments of 1839 and 1843 applied.

Subsequently an Agreement of January 30, 1951,⁽⁵⁾ established, so far as concerns the areas of the Minquiers and Ecrehos Islands, a special régime by way of exception to the general fisheries régime between

(1) "Treaty Series No. 35 (1966)", Cmnd. 3011.

(2) State Papers, Vol. 27, page 983.

(3) State Papers, Vol. 31, page 165.

(4) "Treaty Series No. 2 (1929)", Cmnd. 3254.

(5) "Treaty Series No. 4 (1952)", Cmnd. 8444.

France and Great Britain, which was to have a definitive character, whatever might be the decision of the International Court of Justice on the subject of the determination of sovereignty over the islands.

In the course of a conference to which the British Government had invited in particular the various Governments interested in fishing along the British coasts, a Fisheries Convention was drawn up in London in March 1964 and the régime established by this Convention has in consequence been decided upon in agreement with the French Government.

It has been understood between the French and British delegations at the London Conference that the modification of the general fisheries régime between the two countries which would result from the Convention opened for signature on March 9, 1964,⁽¹⁾ would not affect the special régimes established between the two countries concerning Granville Bay and the areas of the islands of the Minquiers and Ecrehos group. A special provision to allow for this has been introduced in Article 10 (d) of the said Convention.

In consequence I have the honour to inform Your Excellency that the French Government is prepared to apply the following provisions:

- (1) the provisions of the instruments mentioned above, which will no longer be compatible with the provisions of the new Convention, shall cease to have effect when the new Convention becomes applicable between the two Governments;⁽²⁾
- (2) the provisions relating to the special fisheries régime in Granville Bay, contained in the Convention of August 2, 1839, the Regulations of May 24, 1843, and the Franco-British Agreement of December 20, 1928, and the provisions of the Franco-British Agreement of January 30, 1951, shall continue to be applicable to French and British fishermen;
- (3) the provisions of the instruments mentioned in paragraph (2) above concerning the special fisheries régime will be transferred to a bilateral arrangement between the two Governments to be concluded as soon as possible.

If the foregoing provisions are acceptable to the Government of the United Kingdom I have the honour to propose to Your Excellency that the present Note and Your Excellency's reply should be regarded as constituting an agreement between our two Governments to that effect.

I take this opportunity of renewing to Your Excellency the assurances of the highest consideration with which I have the honour to be,

Your humble and obedient Servant,

G. DE COURCEL.

⁽¹⁾ The 1964 Convention entered into force on 15 March, 1966.

*From Her Majesty's Principal Secretary of State for Foreign Affairs to
the French Ambassador*

Your Excellency,

April 10, 1964.

I have the honour to refer to the Note which Your Excellency has addressed to me to-day on the occasion of the signature on behalf of the Government of the French Republic of the Fisheries Convention,⁽¹⁾ the Protocol of Provisional Application of the Fisheries Convention, and the Agreement as to Transitional Rights.⁽²⁾ Your Excellency's Note reads in English translation as follows:

[As in translation of No. 1]

I have the honour to inform Your Excellency that the provisions set out in Your Excellency's Note are acceptable to the Government of the United Kingdom, that the Government of the United Kingdom will also apply these provisions, and that they will regard Your Excellency's Note and this reply as constituting an agreement between our two Governments to that effect.

I have the honour to be,

with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

W. N. HILLIER-FRY.

(1) "Treaty Series No. 29 (1965)", Cmnd. 2603.

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