

The Agreement was
previously published
as United States
No. 2 (1979),
Cmnd. 7602.

UNITED STATES
OF AMERICA



Treaty Series No. 32 (1983)

Reciprocal Fisheries Agreement

between the Government of the
United Kingdom of Great Britain and
Northern Ireland and the Government
of the United States of America

London, 27 March 1979

with Agreed Minute of 28 April 1980 ✓

[Instruments of ratification were exchanged on 10 March 1983 and the Agreement entered into force on that date]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 1983*

LONDON
HER MAJESTY'S STATIONERY OFFICE

75p net

Cmnd. 8932

**RECIPROCAL FISHERIES AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America;

Seeking to maintain the long-standing and cooperative fisheries relations in adjacent waters which have formed a part of the close ties between the people of the British Virgin Islands and the people of the United States;

Desiring to ensure effective conservation of fishery stocks in the exclusive fishery zones of the British Virgin Islands and the United States;

Taking note of the United States Fishery Conservation and Management Act of 1976, establishing a fishery conservation zone contiguous to the territorial sea of the United States;

Taking note of the Proclamation by the Governor of the British Virgin Islands of 9 March 1977 establishing a fisheries zone contiguous to the territorial sea of the British Virgin Islands;

Recalling that the two Governments have a common approach based on the principle of equidistance regarding the limits of fishery jurisdiction as between the British Virgin Islands and the United States;

Have agreed as follows:

ARTICLE I

For the purposes of this Agreement:

- (a) the exclusive fishery zone of the United States refers to waters subject to the fishery jurisdiction of the United States beyond the territorial sea;
- (b) the exclusive fishery zone of the British Virgin Islands refers to waters subject to the fishery jurisdiction of the United Kingdom contiguous to the territorial sea of the British Virgin Islands.

ARTICLE II

Commercial fishing by vessels of the British Virgin Islands may continue in the exclusive fishery zone of the United States in accordance with existing patterns and at existing levels. The Government of the United States extends access to its exclusive fishery zone to vessels of the British Virgin Islands for the purpose of conducting such fishing.

ARTICLE III

Commercial fishing by vessels of the United States may continue in the exclusive fishery zone of the British Virgin Islands in accordance with existing patterns and at existing levels. The Government of the United Kingdom of Great Britain and Northern Ireland extends access to the exclusive fishery zone of the British Virgin Islands to vessels of the United States for the purpose of conducting such fishing.

ARTICLE IV

1. The Government of the United Kingdom of Great Britain and Northern Ireland shall have exclusive authority to enforce the provisions of this Agreement and applicable national fishery regulations with respect to fishing by vessels of the United States in the exclusive fishery zone of the British Virgin Islands; provided that such national regulations as may be applied shall not disturb existing patterns and levels of fishing.

2. The Government of the United States shall have exclusive authority to enforce the provisions of this Agreement and applicable national fishery regulations with respect to fishing by vessels of the British Virgin Islands in the exclusive fishery zone of the United States; provided that such national regulations as may be applied shall not disturb existing patterns and levels of fishing.

ARTICLE V

Nothing in this Agreement shall preclude either Party from regulating recreational fishing within its exclusive fishery zone in accordance with its applicable laws.

ARTICLE VI

1. Consultations shall be held at the request of either Party to this Agreement, when :

- (a) there is reason to believe that vessels of the other are fishing in a manner inconsistent with existing patterns and levels of commercial fishing referred to in Articles II and III;
- (b) either Party seeks a change in existing patterns or levels of commercial fishing referred to in Articles II and III;
- (c) either Party intends to introduce conservation measures which may affect the existing patterns and levels of commercial fishing referred to in Articles II and III;
- (d) there is a need to discuss implementation of any provision of this Agreement.

2. If such consultations result in a decision to amend the terms of this Agreement, such amendments shall enter into force by a subsequent exchange of diplomatic Notes.

ARTICLE VII

This Agreement shall enter into force on the date of exchange of instruments of ratification⁽¹⁾, and shall continue in force until the expiry of a period of 90 days from the date on which either Party gives written notice to the other Party of its intention to terminate this Agreement.

⁽¹⁾ The Agreement entered into force on 10 March 1983.

In witness whereof, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

Done in duplicate, at London on 27th March 1979.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

EVAN LUARD

For the Government of the United States of America:

ROBERT J. MORRIS

AGREED MINUTE

(initialled on 28 April 1980)

1. In connection with the signature of the Reciprocal Fisheries Agreement between the Government of the UK of Great Britain and Northern Ireland and the Government of the United States of America on 27 March 1979, representatives of the two Governments agreed that the following information reflected the existing patterns and levels of commercial fishing by vessels of the United States in the exclusive fishery zone of the British Virgin Islands as defined in the Agreement:

- (a) no fishing by vessels over fifty-five (55) feet in length—
- (b) deep line fishing at or beyond the forty fathom curve by six vessels per day between thirty (30) and fifty-five (55) feet in length during April, May and June; and deep line fishing at or beyond the forty fathom curve by four such vessels per day during the remainder of the year;
- (c) line and trap fishing by six vessels per day under thirty (30) feet in length west of a line drawn due north of Mount Sage (1,789 feet) on Tortola; and west of a line drawn due south from the easternmost point of Peter Island.

2. Representatives of the two governments agreed that the following reflected the existing patterns and levels of commercial fishing by vessels of the British Virgin Islands in the exclusive fishery zone of the United States as defined in the Agreement:

deep line fishing by two vessels per day under forty (40) feet in length, at or beyond the forty fathom curve.

G.B.

R.J.M.