

## **JOINT STATEMENT OF 28 NOVEMBER 1990**

### **ESTABLISHING THE SOUTH ATLANTIC FISHERIES COMMISSION**

#### **BACKGROUND** - '90 Joint Statement - '90 Proclamation - '86 Declaration - '86 Proclamation

In 1986 the British Government established a system of fisheries jurisdiction, known as the Falkland Islands Conservation and Management Zone (FICZ) in order to bring the fishery under control and to preserve stocks around the Falkland Islands. The zone, which became effective on 1 February 1987, covered an area of a 150-mile radius, measured from a point in the centre of the Islands (but modified slightly in the south west to reduce the area of overlap with Argentina's 200-mile zone). Within the zone a number of measures were implemented, the principal one being the issuing of licences to individual vessels to fish in the FICZ. In December 1990 the zone was extended to the north, east and south of the Islands (the Falkland Islands Outer Conservation Zone (FOCZ)) to deal with unregulated fishing beyond the FICZ. At the same time the British and Argentine Governments agreed to establish the South Atlantic Fisheries Commission, composed of delegations from Britain and Argentina with participation by Falkland Islands scientists as part of the British delegation. The first meetings took place in Buenos Aires and London in 1991, and meetings have been held regularly ever since. The Commission assesses the state of fish stocks in the South Atlantic, collects and analyses information from both parties on the operation of the fishing fleets, makes proposals on joint scientific research, and makes recommendations for the conservation of the most significant offshore species.

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Background - '90 JOINT STATEMENT - '90 Proclamation - '86 Declaration - '86 Proclamation

28 November 1990

1. The Government of the Argentine Republic and the Government of the United Kingdom of Great Britain and Northern Ireland agreed that the following formula on sovereignty, contained in the Joint Statement issued at Madrid on 19 October 1989, applies to this Statement and its results:

"(1) Nothing in the conduct or content of the present meeting or of any similar subsequent meetings shall be interpreted as:-

(a) a change in the position of the United Kingdom with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

(b) a change in the position of the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

(c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

(2) No act or activity carried out by the United Kingdom, the Argentine Republic or third parties as a consequence and in implementation of anything agreed to in the present meeting or in any similar subsequent meetings shall constitute a basis for affirming, supporting, or denying the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas."

2. In order to contribute to the conservation of fish stocks, the two Governments agreed to open the way for cooperation in this field on an ad-hoc basis; this will be done:-

(a) by means of the establishment of the "South Atlantic Fisheries Commission", composed of delegations from both States, to assess the state of fish stocks in the South Atlantic in accordance with paragraph 7 of the Joint Statement issued at Madrid on 15 February 1990;

(b) by means of the temporary total prohibition of commercial fishing by vessels of any flag in the maritime area defined in the Annex to this Joint Statement, for conservation purposes.

The two Governments further agreed to review this Joint Statement annually, in particular the duration of the total prohibition.

3. The Commission will be composed of a delegation from each of the two States, and will meet at least twice a year, alternately in Buenos Aires and London. Recommendations shall be reached by mutual agreement. In accordance with paragraph 7 of the Madrid Joint Statement of 15 February 1990, the maritime area which the Commission will consider in relation to the conservation of the most significant offshore species will be waters between latitude 45 S and latitude 60 S.

4. The Commission will have the following functions:-

(a) In accordance with paragraph 7 of the Joint Statement issued at Madrid on 15 February 1990, to receive from both States the available information on the operations of the fishing fleets, appropriate catch and effort statistics

and analyses of the status of the stocks of the most significant offshore species. Both Governments will provide such information in the form recommended by the Commission;

(b) To assess the information received and to submit to both Governments recommendations for the conservation of the most significant offshore species in the area;

(c) To propose to both Governments joint scientific research work on the most significant offshore species;

(d) In accordance with international law, to recommend to both Governments possible actions for the conservation in international waters of migratory and straddling stocks and species related to them;

(e) To monitor the implementation of the prohibition and make recommendations in this regard to both Governments.

5. The prohibition in paragraph 2(b) will take effect on 26 December 1990; both Governments agreed to cooperate in order to implement it.

6. Each Government will take the appropriately related administrative measures in accordance with this Joint Statement.

#### ANNEX

The area referred to in paragraph 2(b) is the one encompassed by the lines of the type specified in the second column, joining points in the first column defined to the nearest minute of arc on WGS 72 Datum by coordinates of latitude and longitude in the order given.

	<b>Column 1</b> <b>Coordinates of Latitude and Longitude</b>		<b>Column 2</b> <b>Line Type</b>
1.	47° 42' S, 60° 41' W	1-2	rhumb line along meridian
2.	49° 00' S, 60° 41' W	2-3	parallel of latitude
3.	49° 00' S, 60° 55'	3-4	rhumb line along meridian
4.	49° 20' S, 60° 55' W	4-5	arc of the circle which has a radius of 150 nautical miles and its centre at latitude 51° 40' S, longitude 59° 30' W, moving clockwise
5.	54° 02' S, 58° 13' W	5-6	rhumb line
6.	54° 38' S, 58° 02' W	6-7	meridian
7.	55° 30' S, 58° 02' W	7-8	rhumb line
8.	56° 14' S, 58° 31' W	8-9	a line drawn anti-clockwise along the maximum limit of jurisdiction over fisheries in accordance with international law
9.	47° 42' S, 60° 41' W		

The area mentioned above is described for the sole purpose of the total prohibition in paragraph 2(b) of this Joint Statement and, in particular, the formula on sovereignty in paragraph 1 of this Joint Statement applies to it.

## JOINT STATEMENT OF 28 NOVEMBER 1990

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Background - '90 Joint Statement - **'90 PROCLAMATION** - '86 Declaration - '86 Proclamation

#### PROCLAMATION

No.1 of 1990

IN THE NAME OF HER MAJESTY ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith;

By HIS HONOUR RONALD SAMPSON ESQUIRE, the person designated in accordance with the law to perform the functions of the office of Governor of the Falkland Islands during the present absence therefrom of HIS EXCELLENCY WILLIAM HUGH FULLERTON ESQUIRE, Governor of the Falkland Islands

WHEREAS a Joint Statement on the Conservation of Fisheries was issued by the Governments of the United Kingdom and Argentina on 28 November 1990 according to which the two Governments are to cooperate over the conservation of fish stocks in the South Atlantic between Latitude 45 degrees South and Latitude 60 degrees South and fishing is to be controlled in certain waters around the Falkland Islands;

AND WHEREAS there is a need to make further provision for the conservation of living resources and for the regulation of fishing in the seas around the Falkland Islands;

NOW THEREFORE I, RONALD SAMPSON, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do HEREBY PROCLAIM as follows:-

1. There is established for the Falkland Islands an outer fishery conservation zone, hereinafter referred to as 'the outer zone'.
2. The oUTER zone has its limits and lines defined in the schedule to this Proclamation.
3. The outer limits of the outer zone may be varied by means of a further Proclamation for the purpose of implementing any agreement or arrangements with another state or states or an international organisation or otherwise.
4. Her Majesty will exercise the same jurisdiction in respect of fisheries in the outer zone as she has in respect of fisheries in the territorial sea of the Falkland Islands subject to such provision as in force or may hereafter be made law for those matters within the territorial sea and the outer zone.
5. This Proclamation will become effective on the twenty-sixth day of December 1990.

GIVEN under my hand and the Public Seal of the Falkland Islands at Government House, Stanley, Falkland Islands, this twentieth day of December in the year of our Lord One Thousand Nine Hundred and Ninety

[Schedule omitted]

## **JOINT STATEMENT OF 28 NOVEMBER 1990**

### **ESTABLISHING THE SOUTH ATLANTIC FISHERIES COMMISSION**

Background - '90 Joint Statement - '90 Proclamation - **'86 DECLARATION** - '86 Proclamation

#### **Declaration on the Conservation of Fish Stocks and on Maritime Jurisdiction around the Falkland Islands dated 29 October 1986**

In order to create the necessary conditions for ensuring conservation of the fish stocks around the Falkland Islands, the British government hereby declares that:-

The Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The maximum extent of these limits is also subject to the need for a boundary with Argentina in areas where arcs of 200 nautical miles from Argentina and the Falkland Islands overlap. In the absence of any agreement, the British Government hereby declares that:

The boundary is that prescribed by the rules of international law concerning the delimitation of maritime jurisdiction.

This Declaration of limits is effective immediately.

Within these limits, legislative measures will be taken shortly in the Falkland Islands to ensure the conservation and management of living resources in accordance with international law. Such measures will be intended to ensure conservation of the stocks on an interim basis pending internationally agreed arrangements for the South West Atlantic Fishery as a whole, and taking into account the best scientific evidence.

These measures will apply to a zone known as the Falkland Islands Interim Conservation and Management Zone (FICZ). The limits of the FICZ will be defined in the legislation and the effective date of the measures will be made known well in advance.

Approaches will be made as a matter of urgency to the States fishing around the Falklands, as well as to the Commission of the European Communities, about arrangements for the next fishing season, commencing 1 February 1987.

The British Government has also given consideration to the related question of the continental shelf around the Falkland Islands in the light of the present state of international law, according to which rights to the continental shelf are inherent. The British Government hereby declares for the avoidance of doubt that:-

The continental shelf around the Falkland Islands extends to a distance of 200 nautical miles from the baselines from which the territorial sea of the Falkland Islands is measured or to such other limit as is prescribed by rules of international law, including those concerning the delimitation of maritime jurisdiction between neighbours.

It will be for the authorities in the Falkland Islands to take legislative measures in order to implement this Declaration.

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### ESTABLISHING THE SOUTH ATLANTIC FISHERIES COMMISSION

Background - '90 Joint Statement - '90 Proclamation - '86 Declaration - **'86 PROCLAMATION**

#### PROCLAMATION

No. 4 of 1986

IN THE NAME OF HER MAJESTY ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith,

BY HIS EXCELLENCY GORDON WESLEY JEWKES ESQUIRE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Falkland Islands,

WHEREAS the Falkland Islands are entitled under international law to a fishery limit of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured subject to the boundary with a neighbouring State prescribed by the rules of international law concerning the delimitation of maritime jurisdiction,

AND WHEREAS there is a need to conserve the living resources and to regulate on an interim basis fishing in the seas around the Falkland Islands,

NOW THEREFORE I, GORDON WESLEY JEWKES, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do HEREBY PROCLAIM as follows:-

1. There is established for the Falkland Islands an interim fishery conservation and management zone, hereinafter referred to as "the zone".
2. The zone will have as its inner boundary the outer limits of the territorial sea of the Falkland Islands and has as its seaward boundary the line formed by the circumference of a circle which has a radius of 150 nautical miles and its centre at latitude 51° 40' S, longitude 59° 30' W, except that between the points on that circumference situated at latitude 52° 30' S, longitude 63° 12.25' W and latitude 54° 08.68' S, longitude 60° 00' W the seaward boundary shall be a rhumb line.
3. The seaward boundary of the zone may be varied by means of a further Proclamation for the purpose of implementing any agreement or arrangement with another State or States or an international organisation, or otherwise.
4. Her Majesty will exercise the same jurisdiction in respect of the conservation of living resources and the management of fisheries in the zone as she has in respect of those matters in the territorial waters of the Falkland Islands subject to such provision as may hereafter be made by law for the conservation of living resources and management of fisheries within the said zone.
5. This Proclamation will become effective on the twenty-ninth of October 1986.

Given under my hand and the Public Seal of the Falkland Islands at Government House, Stanley, Falkland Islands, this Twenty-ninth day of October in the year of Our Lord One Thousand Nine Hundred and Eight-sixth

*Communicated by the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a letter dated 5 December 1986.*