



Foreign and Commonwealth Office

London SW1A 2AH

28 November 1990

Prime Minister

This informs you of an agreement reached with the Argentines on fisheries round the Falklands. The terms were agreed by Ministers

Falkland Islands Fisheries

The latest round of talks with the Argentines resulted in a draft Joint Statement on Fisheries Conservation which was agreed in Madrid on 24 November by officials of both sides and referendum to Governments. Having negotiated yesterday some further improvements to the maritime boundaries and obtained oral confirmation from the Argentines that they will not seek to exercise coastal state jurisdiction in our waters, we have now reached final agreement on the text which I enclose. It is consistent with the terms approved by the former Prime Minister (your letter of 20 November). The Foreign Secretary has approved it. An announcement will be made today in London and Buenos Aires at 1900 hrs GMT. The Governor of the Falkland Islands will be making a proclamation in due course extending Falkland Island jurisdiction to 200 miles.

in advance.  
C.D.P.  
20/11  
P.S. It is unlikely to attract much attention

The advantages to the Falkland Islands and HMG are:

- the Argentines have agreed in effect to an extension of the Falkland Islands Conservation Zone (FICZ) to 200 miles;
- a de facto Western boundary will have been agreed with Argentina, which will make it more difficult in practice for them to claim sovereignty over the Falkland Islands and will strengthen our position on fisheries vis-à-vis third countries;
- the new Zone significantly enlarges the size of the present FICZ;
- these new arrangements mean that the Falkland Islands Government should benefit from better conservation, make more money from licences, have more control over fishing operations in the area, and remain independent of our Aid Programme;

/- whilst

020

pa ① c/c ①

? letter to Sir [unclear] ?  
Thank you,  
27.11

Dear Charles,



- whilst the Joint Commission gives the Argentines a droit de regard over Falklands waters, we have a similar right in their Exclusive Economic Zone;
- we and the Argentines can work together to keep in check the growing pressures on the fishing grounds of the South West Atlantic from distant water, principally Oriental, fishing fleets;
- the Argentines will not patrol or enforce the ban on fishing in our area and have no right to issue licences for fishing in that area.

We see only one real advantage to the Argentines in this agreement, namely, that they can claim to have prevented a unilateral declaration extending the Falkland Islands Conservation Zone to 200 miles. In practice, however, this has happened with their agreement.

The Foreign Secretary believes that this Joint Statement and its Annex represent a step forward in Anglo-Argentine relations and will make a significant contribution to the economy of the Falkland Islands for the future. The Agreement will be reviewed annually and can be renounced at any time should we judge cooperation on conservation not to be working.

As I reported in my letter of 22 November, the Governor of the Falkland Islands has said that he believes the Agreement will be acceptable to the Islanders and he will brief Councillors in Port Stanley today.

I am sending copies of this letter to Simon Webb (MOD), Andrew Lebrecht (MAFF), John Neilson (Dept of Energy) and Colin Pipe (Attorney General's office).

(S L Gass)  
Private Secretary

C D Powell Esq  
10 Downing Street

## JOINT STATEMENT ON THE CONSERVATION OF FISHERIES

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 of 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 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:

LH1AAU

- 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 off-shore 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 off-shore 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 off-shore species in the area.
- c) To propose to both Governments joint scientific research work on the most significant off-shore 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.

LH1AAU

A N N E X

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.

Coordinates of Latitude  
and Longitude

Line Type

- 
- |                     |  |
|---------------------|--|
| 1. 47°42'S, 60°41'W | 1-2 rhumb line along<br>meridian.  |
| 2. 49°00'S, 60°41'W | 2-3 parallel of<br>latitude.   |
| 3. 49°00'S, 60°55'W | 3-4 rhumb line along<br>meridian.  |
| 4. 49°20'S, 60°55'W | 4-5 arc of the circle<br>which has a radius<br>of 150 nautical<br>miles and its<br>centre at Latitude<br>51°40'S,<br>Longitude 59°30'W,<br>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 referred to 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.

---