

No. 2580

AUSTRALIA
and
JAPAN

Agreement on a provisional regime to regulate pearling by Japanese nationals pending the final decision of the International Court of Justice in the dispute concerning the application to Japanese nationals of the Australian Pearl Fisheries Act 1952-1953. Signed at Canberra, on 24 May 1954

Official texts: English and Japanese.

Registered by Australia on 31 May 1954.

AUSTRALIE
et
JAPON

Accord instituant un régime provisoire pour régler la pêche des perles par les ressortissants japonais, en attendant la décision définitive de la Cour internationale de Justice sur l'application aux ressortissants japonais de la loi australienne de 1952-1953 relative à la pêche des perles. Signé à Canberra, le 24 mai 1954

Textes officiels anglais et japonais.

Enregistré par l'Australie le 31 mai 1954.

No. 2580. AGREEMENT¹ BETWEEN AUSTRALIA AND JAPAN ON A PROVISIONAL REGIME TO REGULATE PEARLING BY JAPANESE NATIONALS PENDING THE FINAL DECISION OF THE INTERNATIONAL COURT OF JUSTICE IN THE DISPUTE CONCERNING THE APPLICATION TO JAPANESE NATIONALS OF THE AUSTRALIAN PEARL FISHERIES ACT 1952-1953. SIGNED AT CANBERRA, ON 24 MAY 1954

The Government of Australia and the Government of Japan have agreed on the following provisional regime to regulate pearling by Japanese nationals pending the final decision of the International Court of Justice in the dispute concerning the application to Japanese nationals of the Australian Pearl Fisheries Act 1952-1953 :

Article I

For the purpose of this provisional regime :

- (a) the term “pearling” means any work of searching for or obtaining pearl shell of the species *pinctada maxima* (commonly known as gold-lip, silver-lip or white-shell) and pearl shell of the species *pinctada margaritifera* (commonly known as black-lip);
- (b) the term “Japanese nationals” means all persons of Japanese nationality who are not resident within Australia or its territories at the time of their engaging in pearling;
- (c) the term “Australian legislation” means the Australian Pearl Fisheries Act 1952-1953 and the Regulations, Proclamations and Notices made or issued thereunder or any laws or instruments supplementing, amending or replacing that legislation;
- (d) the term “defined area” means that part of the area proclaimed as Australian waters under the Australian legislation which is beyond territorial limits.

Article II

It is understood that any provision of this provisional regime and any action taken by the Government of Australia or by the Government of Japan

¹ Came into force on 24 May 1954, the date of signature, in accordance with article VIII.

in connexion therewith will be entirely without prejudice to the legal position of either party in regard to the merits of the dispute. Such provision or such action will not in any way be invoked by either party in the course of the contemplated proceedings before the International Court of Justice.

Article III

1. Japanese nationals, pearling luggers and other vessels intending to engage in pearling in the defined area will obtain licences to do so both from the Government of Australia and from the Government of Japan.

2. Subject to these Articles, the Government of Australia will, for each pearling season while this provisional regime continues in force, arrange for licences under the Australian legislation to be issued to Japanese nationals, pearling luggers and other vessels licensed by the Government of Japan whose applications for Australian licences have been transmitted to the Government of Australia from the Government of Japan.

Article IV

For the 1954 pearling season —

- (a) the number of Japanese pearling luggers in the defined area will not exceed 25 (not including a mother ship, a carrier and a fisheries inspection ship);
- (b) the total Japanese catch of pearl shell in the defined area will not exceed the Japanese catch in that area in the 1953 season;
- (c) Japanese pearling luggers will engage in pearling only in sub-areas 1, 2, 3, 4, 5, 6, 7, 17, 19, 20, 21, and 22 of the Northern Territory Division of the defined area, but excluding waters within ten nautical miles of the coast.

Article V

For subsequent seasons while this provisional regime continues in force the Australian Government will make arrangements for pearling by Japanese nationals on the basis of the arrangements set out in Article IV, with such variations as may be appropriate having regard to conservation requirements and in the light of results of operations in the preceding season.

Article VI

Japanese nationals, pearling luggers and other vessels engaging in pearling in the defined area will comply with the provisions of the Australian legislation in addition to those of Japanese laws and regulations.

Article VII

1. The Government of Japan undertakes to carry out effective inspection, through its own fisheries inspection ship, in order to ensure observance of this provisional regime by Japanese nationals, pearling luggers and other vessels operating in the defined area.

2. In carrying out inspections under the Australian legislation, the Government of Australia will take account of inspections which the Government of Japan undertakes through its own fisheries inspection ship.

Article VIII

This provisional regime will come into force on the date of its signature and will continue in force pending the final decision of the International Court of Justice in the dispute between the two countries concerning the application of the Australian legislation to Japanese nationals in the defined area.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this provisional regime.

DONE in duplicate, at Canberra, in the English and Japanese languages, both texts being equally authentic, this twenty-fourth day of May, 1954.

For the Government of Australia :

A. H. TANGE

[L. S.]

For the Government of Japan :

H. NISHI

[L. S.]