

No. 8472

**JAPAN
and
REPUBLIC OF KOREA**

Agreement on fisheries (with annex, exchanges of notes, exchange of letters, agreed minutes and record of discussions). Signed at Tokyo, on 22 June 1965

Official texts: Japanese and Korean.

Registered by Japan on 15 December 1966.

**JAPON
et
RÉPUBLIQUE DE CORÉE**

Accord concernant la pêche (avec annexe, échanges de notes, échange de lettres, procès-verbaux approuvés et compte rendu des discussions). Signé à Tokyo, le 22 juin 1965

Textes officiels japonais et coréen.

Enregistré par le Japon le 15 décembre 1966.

EXCHANGE OF NOTES CONCERN-
ING THE STRAIGHT BASELINES
IN CONNECTION WITH THE ES-
TABLISHMENT OF THE FISHERY
ZONE OF THE REPUBLIC OF
KOREA

ÉCHANGE DE NOTES RELATIF AU
TRACÉ DES LIGNES DROITES À
PARTIR DESQUELLES DOIT
ÊTRE DÉLIMITÉE LA ZONE DE
PÊCHE DE LA RÉPUBLIQUE DE
CORÉE

I

[KOREAN TEXT — TEXTE CORÉEN]

1965년 6월 22일

토오코오에서

각하,

본관은 금일 서명된 대한 민국과 일본국 간의 어업에 관한
협정에 언급하여, 대한 민국 정부가 대한 민국의 어업에 관한
수역의 설정에 관하여 다음의 직선 기선을 결정할 의향임을 언명
하는 영광을 가집니다.

- (1) 장기갑 및 단만갑의 각각의 돌단을 연결하는 직선에
외한 만구의 폐쇄선
- (2) 화압주 및 범월갑의 각각의 돌단을 연결하는 직선에
외한 만구의 폐쇄선
- (3) 1.5미터압, 생도, 홍도, 간여압, 상백도 및 거문도의
각각의 남단을 차례로 연결하는 직선
- (4) 소명도, 서귀열비도, 어청도, 직도, 상항등도 및 횡도
(안마군도)의 각각의 서단을 차례로 연결하는 직선

EXCHANGE OF NOTES CONCERN-
ING THE FISHERY ZONE OF THE
REPUBLIC OF KOREA

ÉCHANGE DE NOTES CONCER-
NANT LA ZONE DE PÊCHE DE LA
RÉPUBLIQUE DE CORÉE

I

[KOREAN TEXT — TEXTE CORÉEN]

1965년 6월 22일

토오로오에서

각각.

본관은 금일 서명된 대한 민국과 일본국 간의 어업에 관한 협정에 언급 하여, 양국 정부 대표간에 도달된 다음의 양해를 확인하는 영장을 가집니다.

잡정적 조치로서, 대한 민국이 설정하는 어업에 관한 수역을 구획 하는 선과 다음 각 선에 의하여 둘러 싸이는 수역이 당분간 대한 민국의 어업에 관한 수역에 포함된다.

- (1) 북위 33도 48분 15초와 동경 127도 21분의 고점, 북위 33도 47분 30초와 동경 127도 13분의 고점 및 우도의 진동 12해미의 점을 자매로 연결하는 직선
- (2) 북위 33도 56분 25초와 동경 125도 55분 30초의 고점과 북위 33도 24분 20초와 동경 125도 56분 20초의 고점을 연결하는 직선

EXCHANGE OF NOTES CONCERN- ÉCHANGE DE NOTES RELATIF
ING IDENTIFICATION MARK- AUX MARQUES DISTINCTIVES
INGS

I

[JAPANESE TEXT — TEXTE JAPONAIS]

(漁業協定附属書に定める標識に関する交換公文)

(日本側書簡)

書簡をもつて啓上いたします。本大臣は、日本国と大韓民国との間の漁業に関する協定の附属書に定める標識の様式及び附着場所につき、両国政府の代表者の間で次のとおりの了解に到達したことを確認する光榮を有します。

1 標識には、漁船の国籍を示す略字並びに漁業の種類及び根拠地港を識別することができるよう番号を付するものとし、その様式は、別紙のとおりとする。

2 標識には、夜間において前記の略字及び番号を識別することができるような塗料を塗付するものとする。

3 すべての標識には、おのの政府の発給証印を付するものとする。

4 標識の附着場所は、船橋の両側の上辺の見やすいところとする。

前記の了解を大韓民国政府に代わつて確認される閣下の返簡を受領したときは、日本国政府は、この書簡及び閣下の返簡が前記の協定の効力発生の日に効

EXCHANGE OF NOTES CONCERN-
ING CO-OPERATION ON FISH-
ERIESÉCHANGE DE NOTES RELATIF À
LA COOPÉRATION DANS LES
PÊCHERIES

I

[KOREAN TEXT — TEXTE CORÉEN]

1965년 6월 22일

토오쿄오에서

각각,

본관은 금일 서명된 대한 민국과 일본국 간의 어업에 관한 협정에
언급하여, 양국 정부 대표간에 도달된 다음 양해를 확인하는 영장을
거칩니다.

양국 정부는 양국 어업의 발전과 향상을 도모하기 위하여 기술 및
경제 분야에서 가능한 한 상호 밀접하게 협력한다.

이 협력에는 다음을 포함한다.

- (1) 어업에 관한 정보 및 기술의 교환
- (2) 어업 전문가 및 기술자의 교류

LETTERS EXCHANGED CONCERN-
ING THE SAFETY OF OPERA-
TION, MAINTENANCE OF ORDER
AND SETTLEMENTS OF ACCI-
DENTS AT SEA

ÉCHANGE DE LETTRES RELATIF
À LA SÉCURITÉ ET À LA POLICE
DE LA PÊCHE, ET AU RÈGLE-
MENT DES ACCIDENTS EN MER

I

[JAPANESE TEXT — TEXTE JAPONAIS]

(安全操業に関する往復書簡)

(日本国外務省アジア局長の韓国外務部亜州局長あて書簡)

本官は、本日日本国と大韓民国との間の漁業に関する協定が署名されるに際し、日本国の水産当局が、日韓両国の漁船間の操業の安全を図り、かつ、その正常な秩序を維持するため及び海上における両国の漁船間の事故の円滑かつ迅速な解決を図る目的に資するため、両国の民間関係団体の間において別紙に掲げる項目をもつた取決めができる限りすみやかに行なわれるように日本国の民間関係団体を指導する意向であることを申し述べます。

昭和四十年六月二十二日

外務部亜州局長 延河亀殿

外務省アジア局長 後宮虎郎

RECORD OF DISCUSSIONS — COMPTE RENDU DES DISCUSSIONS

[KOREAN TEXT — TEXTE CORÉEN]

토의 기록

일 한 어업 협정의 체결을 위한 교섭에 있어서 일 한 양측으로부터 각각 다음 발언이 있었다.

일본측 대표

(a) 협정에 대한 합의 의사록 2 (a)에서 말하는

"출어 척수 또는 통수를 억제하도록 행정 지도를 한다"의 행정 지도에는, 감찰 및 표지의 발급수의 조정이 행하여 지도록 지도하는 것이 포함된다.

(b) 협정에 대한 합의 의사록 3 (c)에서 말하는 자국

내에서의 단속의 실시 상황의 시찰에는, 감찰 및 표지의 발급 상황에 대한 설명을 행하는 것도 포함된다.

(c) 잠정적 어업 규제 조치의 적용의 대상이 되지

않는 연안 어업에 종사하는 일본국 어선으로서 공동 규제 수역 안에 출어하는 것의 대부분은 영세한 경영 규모의 것이며, 그 조업 구역도 이러한 어선의 출어 능력의 실태로 보아 동 수역 안에서는

[TRANSLATION¹ — TRADUCTION²]

No. 8472. ~~AGREEMENT~~³ ON FISHERIES BETWEEN
JAPAN AND THE REPUBLIC OF KOREA. SIGNED AT
TOKYO, ON 22 JUNE 1965

Japan and the Republic of Korea,

Desiring that the maximum sustained productivity of the fishery resources in waters of their common interest be maintained ;

Being convinced that the conservation of the said resources and their rational exploitation and development will serve the interest of both countries ;

Confirming that the principle of the freedom of the high seas shall be respected[,]
unless otherwise specifically provided in the present Agreement ;

Recognizing the desirability of eliminating causes of disputes which may arise from their geographical proximity and the intermingling of their fisheries ; and

Desiring to cooperate mutually for the development of their fisheries ;

Have agreed as follows :

Article I

1. The Contracting Parties mutually recognize that each Contracting Party has the rights to establish within twelve nautical miles measured from its coastal baseline a sea zone over which it exercises exclusive jurisdiction with respect to fisheries (hereinafter referred to as "fishery zone"). However, in case where either Contracting Party uses a straight baseline in establishing its fishery zone, it shall determine such straight baseline *upon* [through] consultation with the other Contracting Party.

¹ Translation by the Government of Japan. The Secretariat also received an English translation of this agreement from the Government of the Republic of Korea which on certain points differs from that provided by the Government of Japan. At the request of the Government of the Republic of Korea, these differences have been shown by printing in italics the pertinent word or phrase in the translation of the Government of Japan and providing in square brackets the corresponding expression in the translation by the Government of the Republic of Korea.

² Traduction du Gouvernement japonais. Le Gouvernement de la République de Corée a également communiqué au Secrétariat une traduction anglaise de cet accord qui diffère en certains points de celle transmise par le Gouvernement japonais. À la demande du Gouvernement de la République de Corée, on a indiqué en italique dans la traduction transmise par le Gouvernement japonais chaque mot ou groupe de mots donnant lieu à divergence et introduit à la suite entre crochets l'expression correspondante dans la traduction fournie par le Gouvernement de la République de Corée.

³ Came into force on 18 December 1965, the date of the exchange of the instruments of ratification at Seoul, in accordance with article X.

2. The Contracting Parties shall not raise against each other any objection to the exclusion by either Contracting Party of the fishing vessels of the other Contracting Party from engaging in fishing operation in the fishery zone of that either Contracting Party.

3. The overlapping part of the fishery zones of the Contracting Parties shall be divided into two by the straight lines joining the two end-points of the part with the mid-point of the straight line drawn across that area at its widest point.

Article II

The Contracting Parties shall establish a joint regulation zone enclosed by the lines described below (excluding any territorial seas and the fishery zone of the Republic of Korea).

(a) Meridian 124° East Longitude north of 37° 30' North Latitude.

(b) Lines connecting the following points in order :

- (i) Intersection of 37° 30' North Latitude and 124° East Longitude
- (ii) Intersection of 36° 45' North Latitude and 124° 30' East Longitude
- (iii) Intersection of 33° 30' North Latitude and 124° 30' East Longitude
- (iv) Intersection of 32° 30' North Latitude and 126° East Longitude
- (v) Intersection of 32° 30' North Latitude and 127° East Longitude
- (vi) Intersection of 34° 34' 30'' North Latitude and 129° 2' 50'' East Longitude
- (vii) Intersection of 34° 44' 10'' North Latitude and 129° 8' East Longitude
- (viii) Intersection of 34° 50' North Latitude and 129° 14' East Longitude
- (ix) Intersection of 35° 30' North Latitude and 130° East Longitude
- (x) Intersection of 37° 30' North Latitude and 131° 10' East Longitude
- (xi) Highest peak of Uamryung

Article III

The Contracting Parties shall implement in the joint regulation zone, until such time as conservation measures necessary for the maintenance of the maximum sustained productivity of fishery resources are implemented on the basis of sufficient scientific surveys, the provisional regulation measures for fisheries described in the Annex, which constitutes an integral part of the present Agreement, with respect to drag-net fishing and seine fishing and to mackerel-angling fishing by fishing vessels of not less than 60 tons. (Tonnage is in gross tonnage and is indicated by deducting the tonnage allowed for improving living quarters of the vessel.)

Article IV

1. Policing (including halting and *inspecting* [visiting] of vessel) and court jurisdiction in the waters outside the fishery zone shall be carried out and exercised only by the Contracting Party to which the fishing vessel belongs.

2. Each Contracting Party shall give and exercise pertinent guidance and supervision in order to ensure that its nationals and fishing vessels observe faithfully the provisional regulation measures for fisheries, and shall enforce domestic measures, including appropriate penalties against violations thereof.

Article V

Joint resources survey zones shall be established outside the joint regulation zone. The extent of the said survey zones and the survey to be conducted within these zones shall be determined upon consultation between the two Contracting Parties on the basis of recommendation to be made by the Joint Fisheries Commission provided for in Article VI of the present Agreement.

Article VI

1. The Contracting Parties shall establish and maintain the Japan-Republic of Korea Joint Fisheries Commission (hereinafter referred to as "the Commission") in order to realize the objectives of the present Agreement.

2. The Commission shall be composed of two national sections, each consisting of three members appointed by the Governments of the respective Contracting Parties.

3. All resolutions, recommendations, and other decisions of the Commission shall be made only by agreement between the national sections.

4. The Commission may decide upon and amend, as occasion may require, rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by either of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting, the Commission shall select a Chairman and a Vice-Chairman from different national sections. The Chairman and the Vice-Chairman shall hold office for a period of one year. Selection of the Chairman and the Vice-Chairman from the national sections shall be made in such a manner as will provide in turn each Contracting Party with representation in these offices.

7. A permanent secretariat shall be established under the Commission to carry out the business of the Commission.

8. The official languages of the Commission shall be Japanese and Korean. Proposals and data may be submitted in either official language, or, if necessary, in English.

9. In case the Commission concludes that joint expenses are necessary, such expenses shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

10. The Commission may delegate the disbursement of funds for the joint expenses.

Article VII

1. The Commission shall perform the following functions :

(a) Recommend to the Contracting Parties with respect to scientific survey to be conducted for the purpose of studying the fishery resources in waters of their common interest and to the regulation measures to be taken within the joint regulation zone on the basis of the results of such survey and study ;

(b) Recommend to the Contracting Parties with respect to the extent of the joint resources survey zones ;

(c) Review, when necessary, matters concerning the provisional regulation measures for fisheries and recommend to the Contracting Parties with respect to measures, including the revision of the provisional regulation measures, to be taken on the basis of the results of such review ;

(d) Deliberate on necessary matters concerning the safety and order of operation between the fishing vessels of the Contracting Parties and on general principles of measures for handling accidents at sea between the fishing vessels of the Contracting Parties, and recommend to the Contracting Parties with respect to measures to be taken on the basis of the results of such deliberation ;

(e) Compile and study data, statistics and records to be provided by the Contracting Parties at the request of the Commission ;

(f) Consider and recommend to the Contracting Parties with respect to the enactment of schedules of equivalent penalties for violations of the present Agreement ;

(g) Submit annually to the Contracting Parties a report on the operations of the Commission ; and

(h) In addition to the foregoing, deliberate on various technical questions arising from the implementation of the present Agreement, and recommend, when deemed necessary, to the Contracting Parties with respect to measures to be taken.

2. The Commission, in order to perform its functions, may, when necessary, establish subordinate organs composed of experts.

3. The Governments of the Contracting Parties shall respect to the extent possible the recommendations made by the Commission under the provisions of paragraph 1.

Article VIII

1. The Contracting Parties shall take measures deemed pertinent toward their respective nationals and fishing vessels in order to have them observe international practices concerning navigation, to ensure safety and maintain proper order in operation between the fishing vessels of the Contracting Parties and to seek smooth and speedy settlements of accidents at sea between the fishing vessels of the Contracting Parties.

2. For the purposes set forth in paragraph 1, the authorities concerned of the Contracting Parties shall, to the extent possible, maintain close contact and cooperate with each other.

Article IX

1. Any dispute between the Contracting Parties concerning the interpretation and implementation of the present Agreement shall be settled, first of all, through diplomatic channels.

2. Any dispute which fails to be settled under the provisions of paragraph 1 shall be referred for decision to an arbitration board composed of three arbitrators, one each to be appointed by the Government of each Contracting Party within a period of thirty days from the date of receipt by the Government of either Contracting Party from the Government of the other of a note requesting arbitration of the dispute, and the third arbitrator to be agreed upon by the two arbitrators so chosen within a further period of thirty days or the third arbitrator to be appointed by the government of a third country agreed upon within such further period by the two arbitrators, provided that the third arbitrator shall not be a national of either Contracting Party.

3. If, within the periods respectively referred to, the Government of either Contracting Party fails to appoint an arbitrator, or the third arbitrator or a third country is not agreed upon, the arbitration board shall be composed of the two arbitrators to be designated by each of the governments of the two countries respectively chosen by the Governments of the Contracting Parties within a period of thirty days and the third arbitrator to be designated by the government of a third country to be determined upon consultation between the governments so chosen.

4. The Governments of the Contracting Parties shall abide by any award made by the arbitration board under the provisions of the present Article.

Article X

1. The present Agreement shall be ratified. The instruments of ratification shall be exchanged at Seoul as soon as possible. The present Agreement shall enter into force on the date of the exchange of the instruments of ratification.

2. The present Agreement shall remain in force for a period of five years and thereafter until one year from the day on which either Contracting Party shall give notice to the other of its intention to terminate the present Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE in duplicate at Tokyo, in the Japanese and Korean languages, both being equally authentic, this twenty-second day of June of the year one thousand nine hundred and sixty-five.

For Japan :

Etsusaburo SHIINA
Shinichi TAKASUGI

For the Republic of Korea :

TONG WON LEE
DONG JO KIM

A N N E X

The provisional regulation measures for fisheries provided for in Article 3 of the present Agreement shall apply to each of the two Contracting Parties and shall be as follows :

1. The maximum number of fishing vessels or fishing units in operation (that is, the maximum number of fishing vessels or units operating at a given time within the joint regulation zone, holding licences and bearing identification markings for fishing operation within the said zone) :

(a) For drag-net fishing by fishing vessels of less than 50 tons, 115 vessels.

(b) For drag-net fishing by fishing vessels of not less than 50 tons

(i) 270 vessels during the period November 1 to April 30 of the following year,

(ii) 100 vessels during the period May 1 to October 31.

(c) For seine fishing

- (i) 60 fishing units during the period January 16 to May 15,
- (ii) 120 fishing units during the period May 16 to January 15 of the following year.

(d) For mackerel-angling fishing by fishing vessels of not less than 60 tons, 15 vessels ; provided that the period for fishing operation shall be from June 1 to December 31, and that the fishing operation zone shall be the waters south of the straight line connecting the point where the border-line between Kyongsang-pukto and Kyongsang-namdo of the Republic of Korea intersects the coastal line and the intersection of 35° 30' North Latitude and 130° East Longitude (however, on the western side of the Chejudo, south of 33° 30' North Latitude).

(e) While there exists a difference in fish-catching capability between fishing vessels of Japan and of the Republic of Korea, the number of fishing vessels or units in operation of the Republic of Korea shall be adjusted through consultation between the Governments of the two Contracting Parties, with the maximum number of fishing vessels or units in operation provided for in the present Agreement as a standard and paying regard [due regard] to such difference.

2. Size of fishing vessels :

(a) For drag-net fishing

- (i) not less than 30 tons and not more than 170 tons except for trawl fishing,
- (ii) not less than 100 tons and not more than 550 tons for trawl fishing.

However, drag-net fishing by vessels of not less than 50 tons (except drag-net fishing for prawn in the Japan Sea by vessels of less than 60 tons, which has been permitted by the Republic of Korea) shall not be conducted in waters east of 128° East Longitude.

(b) For seine fishing, not less than 40 tons and not more than 100 tons for seine vessels.

However, the one seine fishing vessel of not less than 100 tons which exists in Japan on the date of the signing of the present Agreement shall be permitted as an exception for the time being.

(c) For mackerel-angling fishing by fishing vessels of not less than 60 tons, not more than 100 tons.

3. Mesh size (inner diameter when in sea water) :

(a) For drag-net fishing by fishing vessels of less than 50 tons, not less than 33 millimeters.

(b) For drag-net fishing by fishing vessels of not less than 50 tons, not less than 54 millimeters.

(c) For the main net for horse mackerel or mackerel of seine fishing, not less than 30 millimeters at its main part.

4. Power of fish-luring lights (total installation capacity of generators) :

(a) For seine fishing, two light-ships of not more than 10 kilowatts each and one light-ship of not more than 7.5 kilowatts, totalling not more than 27.5 kilowatts, per fishing unit.

(b) For mackerel-angling fishing by fishing vessels of not less than 60 tons, not more than 10 kilowatts.

5. Licences and identification markings :

(a) Fishing vessels operating in the joint regulation zone shall hold licences and shall bear identification markings, issued by the respective Governments. However, with respect to fishing vessels engaging in seine fishing, fishing vessels other than seine vessels are not required to hold licences, and seine vessels shall display principal markings while vessels other than seine vessels shall bear submarkings which correspond with principal markings.

(b) The total number of licences and of identification markings (with respect to fishing vessels engaging in drag-net fishing and mackerel-angling fishing, two markings borne by each fishing vessel shall be counted as one, and with respect to fishing vessels engaging in seine fishing, two principal markings borne by each seine vessel shall be counted as one) shall be, for each fishery subject to the provisional regulation measures for fisheries, the same as the maximum number of fishing vessels and units in operation for such fishery. However, in view of the realities of fisheries, the number of issuance may be increased over the maximum number of fishing vessels in operation by 15 percent with respect to drag-net fishing by fishing vessels of not less than 50 tons and by 20 percent with respect to drag-net fishing by fishing vessels of less than 50 tons.

(c) The form of identification markings and the place where they shall be borne shall be determined upon consultations between the Governments of the two Contracting Parties.

EXCHANGE OF NOTES CONCERNING THE STRAIGHT BASELINES IN
CONNECTION WITH THE ESTABLISHMENT OF THE FISHERY ZONE
OF THE REPUBLIC OF KOREA

I

KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to state that the Government of the Republic of Korea intends to determine the following straight baselines in connection with the establishment of the fishery zone of the Republic of Korea :

(1) Closing line of the mouth of bay by a straight line connecting the tips of Changgigap and Talmangap ;

(2) Closing line of the mouth of bay by a straight line connecting the tips of *Haamchu* [Hwaamchu] and *Pomweolgap* [Bomweolgap] ;

(3) Straight lines connecting in order the respective southern extremities of 1.5-Meter Am, *Sengdo* [Saengdo], Hongdo, *Kanyoam* [Ganyeoam], *Sangbekdo* [Sangbaegdo] and *Komundo* [Keomundo] ; and

(4) Straight lines connecting in order the respective western extremities of *Soryongdo* [Soryeongdo], the *Sogyongnyolpido* [Seogyeogyelbido], *Ochondo* [Eocheongdo], Jikdo, *Sangwangdungdo* [Sanghwangdeungdo] and *Hoengdo* [Hoengdo] (the Anna Islands).

I have the honour to state that, if Your Excellency would confirm, on behalf of the Government of Japan, that the Government of Japan has no objection with respect to the determination of the aforementioned straight baselines, the Government of the Republic of Korea will consider that the consultations with the Government of Japan on this matter have been completed.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[See note I]

I have the honour to state that the Government of Japan has no objection with respect to the determination by the Government of the Republic of Korea of the aforementioned straight baselines in connection with the establishment of the fishery zone of the Republic of Korea.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHIINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

EXCHANGE OF NOTES CONCERNING THE FISHERY ZONE
OF THE REPUBLIC OF KOREA

I

KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to confirm the following understandings reached between the representatives of the two Governments :

As a provisional measure, the waters enclosed by the lines delimiting the fishery zone to be established by the Republic of Korea and the following lines shall for the time being *be treated as being included* [be included] in the fishery zone of the Republic of Korea.

(1) Straight lines connecting in order the intersection of 33° 48' 15" North Latitude and 127° 21' East Longitude, the intersection of 33° 47' 30" North Latitude and 127° 13' East Longitude and the point 12 nautical miles due east of Udo ; and

(2) Straight line connecting the intersection of 33° 56' 25" North Latitude and 125° 55' 30" East Longitude and the intersection of 33° 24' 20" North Latitude and 125° 56' 20" East Longitude.

Upon receipt of Your Excellency's reply confirming, on behalf of the Government of Japan, the aforementioned understandings, the Government of the Republic of Korea will consider that this Note and Your Excellency's reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[See note I]

I have the honour to confirm that the aforementioned understandings are also the understandings of the Government of Japan and that the Government of Japan will consider that Your Excellency's Note and this reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHIINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

AGREED MINUTES TO THE AGREEMENT ON FISHERIES
BETWEEN JAPAN AND THE REPUBLIC OF KOREA

The representatives of the Governments of Japan and the Republic of Korea have reached the following understandings concerning the Agreement on Fisheries between Japan and the Republic of Korea signed today:

1. *Re licences and identification markings :*

(a) The two Governments *will* [shall] give administrative guidance so that licences and identification markings will not be transferred from one fishing vessel to another on the sea except at a port.

(b) Either Government *will* [shall] tabulate by month the state of fishing operation by each fishery on the basis of reports of the fishing vessels in operation of its country on their positions at noon, and notify the other at least four times a year.

2. *Re standard amount of the total annual fish catch :*

(a) The standard amount of the total annual fish catch within the joint regulation zone by drag-net fishing, by seine fishing and by mackerel-angling fishing by fishing vessels of not less than 60 tons *will* [shall] be 150,000 tons (with allowance of 10 percent upwards or downwards) ; for Japan, the breakdown of this amount of 150,000 tons is as follows : 10,000 tons for drag-net fishing by fishing vessels of less than 50 tons, 30,000 tons for drag-net fishing by fishing vessels of not less than 50 tons and 110,000 tons for seine fishing and for mackerel-angling fishing by fishing vessels of not less than 60 tons. The standard amount of the total annual fish catch is an amount of target regulating fishing operations by the maximum number of fishing vessels or units in operation. Either Government *will* [shall], if it recognizes that the amount of the total annual fish catch by drag-net fishing, seine fishing and by mackerel-angling fishing by fishing vessels of not less than 60 tons within the joint

regulation zone is to exceed 150,000 tons, give administrative guidance even during fishing seasons so as to restrict the number of fishing vessels or units in operation in order to keep the amount of the total annual fish catch *within* [less than] 165,000 tons.

(b) Either Government *will* [shall] designate the ports for landing the fish caught within the joint regulation zone by fishing vessels of its country engaging in fisheries subject to the application of the provisional regulation measures for fisheries.

(c) Either Government *will* [shall] tabulate by month the amount of fish catch on the basis of reports of the fishing vessels in operation of its country on the amount of their fish catch within the joint regulation zone and on the basis of survey at the ports of landing, and notify the results to the other at least four times a year.

(d) Either Government *will*, at the time of the *observation* [inspection] by an official of the other referred to in 3 (c), if requested by that other, render to that official as much convenience as possible for the *observation* [inspection] of landing of the fish caught by fishing vessels of its country subject to the application of the provisional regulation measures for fisheries, and make arrangements so that explanations about the reporting and tabulation of fish catch will be given to him to the extent possible.

3. *Re policing and violation concerning the provisional regulation measures for fisheries :*

(a) A duly authorized official on a patrol vessel of either country may immediately notify, when he discovers a fact which makes him believe with sufficient reasons that a fishing vessel of the other country is *actually and* [A] obviously violating the provisional regulation measures for fisheries, the fact to a duly authorized official on a patrol vessel of the other country to which such fishing vessel belongs. The Government of that other country *will* [shall] respect the notification in *carrying out enforcement* [policing such fishing vessel] and exercising its jurisdiction over such fishing vessel, and *will* [shall] notify the measures taken as a consequence to the Government of that either country.

(b) The patrol vessels of the two countries may, in *carrying out enforcement over* [policing] the fishing vessels of the respective countries with respect to the provisional regulation measures for fisheries, patrol jointly and maintain close contacts, as necessary, in accordance with the result of prior consultations between the authorities concerned of the two countries, in order to make their policing smooth and effective.

(c) Either Government *will* [shall], if requested by the other, render as much convenience as possible for the *observation* [inspection] of the state of policing within

← Does not appear in the English translation provided by the Government of the Republic of Korea.

Ces mots n'apparaissent pas dans la traduction anglaise fournie par le Gouvernement de la République de Corée.

its country concerning the provisional regulation measures for fisheries to an official of the other who has been specially authorized for this purpose.

(d) Either Government *will, in carrying out enforcement over* [shall, in policing] the fishing vessels of its country with respect to the provisional regulation measures for fisheries, if requested by the other and if it deems such a request as appropriate, render *reciprocally*² as much convenience as possible to officials of the other for boarding its patrol vessels engaging solely in *enforcement over* [policing] fisheries, for the purpose of observation of the actual state of policing.>

4. *Re Japan-Republic of Korea Joint Fisheries Commission :*

The Japan-Republic of Korea Joint Fisheries Commission *will* [shall] select annually the Director of the permanent Secretariat from among members of the national section of the Contracting Party in which the annual meeting of following year will be held, before the closing of each annual meeting. The Director *will* [shall] hold office for a period of one year. The Director will carry out the business of the Secretariat including preparations for holding Commission meetings with the assistance of the authorities concerned of his country and, when necessary, with the assistance of the duly authorized officials of the other Contracting Party stationed in his country.

5. *Re arbitration board :*

The countries to be chosen respectively by the two Governments and the third country to be determined upon consultation between the governments of the countries so chosen, which are mentioned in paragraph 3 of Article IX of the Agreement, *will* [shall] be selected from among the countries having diplomatic relations with both Japan and the Republic of Korea.

6. *Re exchange of information between patrol vessels concerning the state of fishing operation :*

A patrol vessel of either country may, when it deems necessary, request a patrol vessel of the other to furnish necessary information concerning the state of fishing operation in the joint regulation zone, and the patrol vessel of the other *will* [shall] comply with such request as far as possible.

7. *Re coastal fishing :*

The two Governments *will* [shall] exchange information concerning the state of coastal fishing operation (excluding drag-net fishing and seine fishing and mackerel-angling fishing by fishing vessels of not less than 60 tons) and, if necessary for the maintenance of order in fishing grounds, *will* [shall] hold consultations with each other.

² See footnote 1, p. 152 of this volume.

Voir note 1, p. 152 de ce volume.

8. *Re mutual respect for domestic fishing ban areas, etc. :*

(a) With respect to the fishing ban areas concerning drag-net fishing and concerning seine fishing, and the waters enclosed by the lines of 128° East Longitude, 128° 30' East Longitude, 33° 9' 15" North Latitude and 25° North Latitude concerning drag-net fishing, presently established by the Government of Japan, and with respect to the fishing ban areas concerning drag-net fishing and concerning trawl fishing presently established by the Government of the Republic of Korea, either Government *will* [shall] respectively take necessary measures to prevent fishing vessels of its country from engaging in such fishing operations in these waters of the other.

(b) The systems being *applied* [enforced] by the Government of the Republic of Korea with respect to drag-net fishing by the fishing vessels of the Republic of Korea of less than 50 tons in that part of the Yellow Sea which is within the aforementioned fishing ban areas of the Republic of Korea and with respect to drag-net fishing for prawn of the Republic of Korea in that part of the Japan Sea which is within the said fishing ban areas *will* [shall] be recognized as exceptions.

(c) A duly authorized official on a patrol vessel of either country may, when he discovers the fact that a fishing vessel of the other is operating in its areas referred to in (a), call attention of such fishing vessels to the fact and, at the same time, promptly notify the fact to a duly authorized official on a patrol vessel of the other. The Government of that other *will* [shall] respect the notification in *carrying out enforcement* [policing] and exercising its jurisdiction over such fishing vessel and *will* [shall] notify the measures taken as a consequence to the Government of that either country.

9. *Re innocent passage :*

It is confirmed that innocent passage (in the case of fishing vessels, it is restricted to cases where their fishing gear has been *put away* [stowed away]) through territorial seas and fishery zones *will be in accordance with* [shall conform to] the rules of international law.

10. *Re rescue at sea and emergency refuge :*

The two Governments *will* [shall] conclude arrangements as soon as possible with respect to rescue at sea and emergency refuge for fishing vessels of the two countries. Even prior to the conclusion of such arrangements, the two Governments *will* [shall] provide pertinent rescue and protection to the extent possible in accordance with international practice with respect to rescue at sea and emergency refuge for fishing vessels of the two countries.

Tokyo, June 22, 1965

E. S.
T. W. L.

EXCHANGE OF NOTES CONCERNING IDENTIFICATION MARKINGS

I

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to confirm that the following understandings have been reached between the representatives of the Governments of Japan and the Republic of Korea on the form of identification markings and the place where they shall be borne, which are provided for in the Annex to the Agreement on Fisheries between Japan and the Republic of Korea.

1. Identification markings shall bear an abbreviation to indicate the nationality of the fishing vessel and a number to enable the identification of the type of fishing and the home port. The form of identification markings shall be as set forth in the sheet attached hereto.

2. Identification markings shall be so painted that the said abbreviation and number can be identified [even] at night.

3. All identification markings shall have the seal issued by the respective Governments.

4. Identification markings shall be borne at readily recognizable places on the upper part of both sides of the bridge of the fishing vessel.

Upon receipt of Your Excellency's reply confirming, on behalf of the Government of the Republic of Korea, the aforementioned understandings, the Government of Japan will consider that this Note and Your Excellency's reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

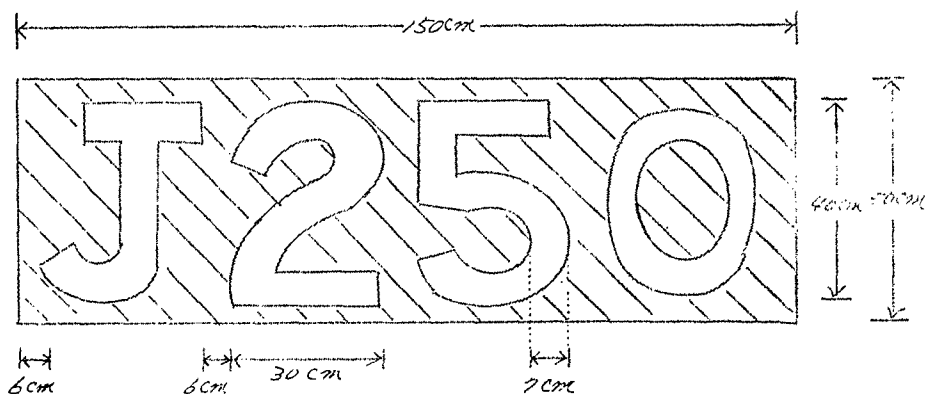
Etsusaburo SHIINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

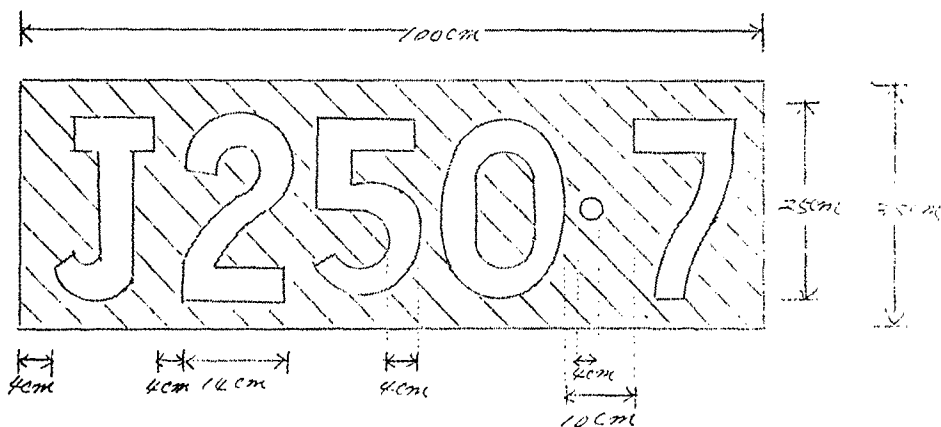
(a) FORM FOR THE JAPANESE SIDE
a) MARQUES DISTINCTIVES JAPONAISES

(Principal marking)

(Marque principale)



(Sub-marking)
(Marque secondaire)

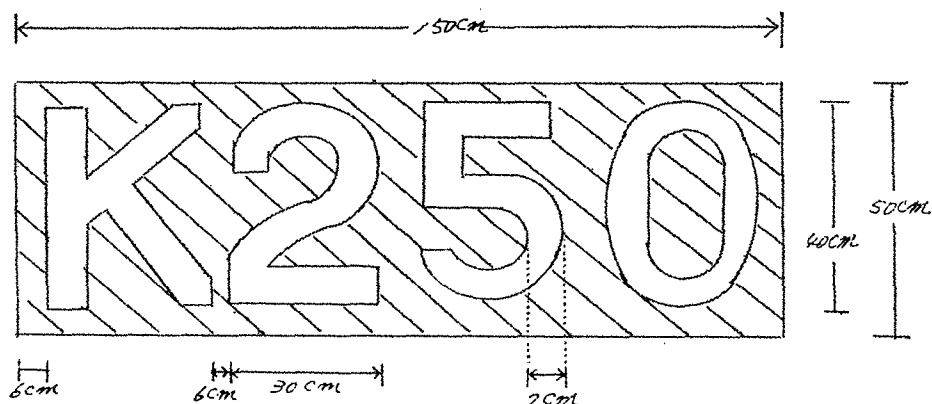


Note: The obliquely lined parts shall be yellowish orange and the other parts shall be black.

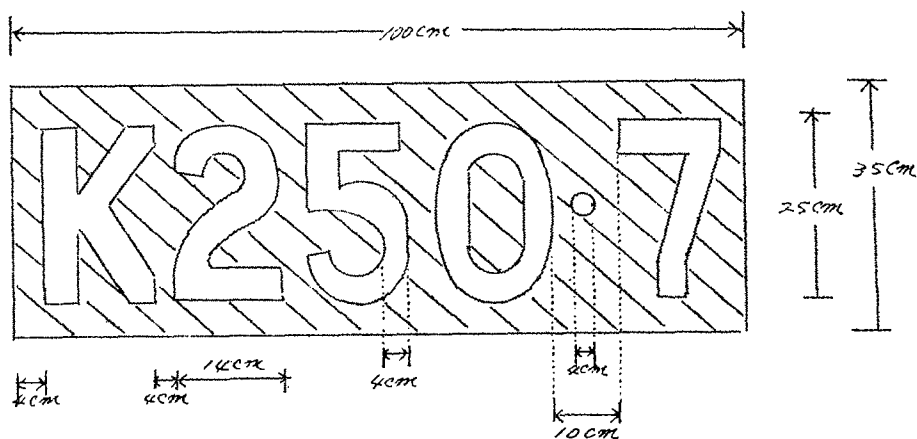
Note: Les parties hachurées obliquement seront peintes en orange tirant sur le jaune, les autres en noir.

(b) FORM FOR THE KOREAN SIDE
b) MARQUES DISTINCTIVES CORÉENNES

(Principal marking)
(Marque principale)



(Sub-marking)
(Marque secondaire)



Note: The obliquely lined parts shall be black and the other parts shall be yellowish orange.

Note: Les parties hachurées obliquement seront peintes en noir, les autres en orange tirant sur le jaune.

II

KOREAN NOTE

Tokyo, June 25, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[See note I]

I have the honour to confirm that the aforementioned understandings are also the understandings of the Government of the Republic of Korea and that the Government of the Republic of Korea will consider that Your Excellency's Note and this reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

EXCHANGE OF NOTES CONCERNING CO-OPERATION ON FISHERIES

I

KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to confirm the following understandings reached between the representatives of the two Governments :

With a view to developing and improving the fisheries of the two countries, the two Governments shall co-operate with each other as closely as possible in the technical and economic fields.

This co-operation includes the following :

- (1) Exchange of information and technics concerning fisheries.
- (2) Exchange of fishery experts and technicians.

Upon receipt of Your Excellency's reply confirming, on behalf of the Government of Japan, the aforementioned understandings, the Government of the Republic of Korea will consider that this Note and Your Excellency's reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina
Minister for Foreign Affairs of Japan

II

JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[*See note I*]

I have the honour to confirm that the aforementioned understandings are also the understandings of the Government of Japan and that the Government of Japan will consider that Your Excellency's Note and this reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHIINA
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee
Minister of Foreign Affairs
of the Republic of Korea

LETTERS EXCHANGED CONCERNING THE SAFETY OF OPERATION,
MAINTENANCE OF ORDER AND SETTLEMENTS OF ACCIDENTS AT
SEA

I

*Letter from the Director of the Asian Affairs Bureau of the Ministry of Foreign Affairs
of Japan to the Director of the Asian Affairs Bureau of the Ministry of Foreign
Affairs of the Republic of Korea*

Tokyo, June 22, 1965

Sir :

On the occasion of the signing today of the Agreement on Fisheries between Japan and the Republic of Korea, I take pleasure in stating that the fisheries authorities of Japan intend to guide Japanese private organizations concerned so that an arrangement containing the items set forth in the sheet attached hereto may be made between the private organizations concerned of the two countries as soon as possible in order to ensure the safety of operation and maintain proper order in operation between the fishing vessels of Japan and the Republic of Korea and to serve the purpose of seeking smooth and speedy settlements of accidents at sea between the fishing vessels of the two countries.

Sincerely yours,

Torao USHIROKU
Director, Asian Affairs Bureau
Ministry of Foreign Affairs of Japan

Mr. Yeon Ha Koo
Director, Asian Affairs Bureau
Ministry of Foreign Affairs
of the Republic of Korea

ATTACHED SHEET

ITEMS CONCERNING THE SAFETY OF OPERATION AND MAINTENANCE OF ORDER

1. Signs and signals

- (1) Sign indicating that a fishing vessel is engaging in fishing operation
- (2) Sign indicating an accident which occurred during fishing operation of a fishing vessel
- (3) Sign indicating anchoring and mooring of a fishing vessel at night
- (4) Recognition signal of a fishing vessel at night and whistling signal indicating its course

2. Matters to be observed during operation

- (1) Principle of respecting operation of a fishing vessel ahead engaging in fishing operation
- (2) Principle of respecting the area of gear set during fishing operation
- (3) Principle concerning the case of parallel operation of fishing units
- (4) Principle concerning operation in congested fishing grounds (including the distance between light-ships engaging in seine fishing operation)

3. Matters concerning clearing out of the course

- (1) Principle of priority of a fishing vessel engaging in fishing operation
- (2) Principle concerning mutual clearing out of the course of a fishing vessel engaging in fishing operation
- (3) Principle of priority of a fishing vessel which met an accident (such as the losing of gear and severing of rope) during fishing operation

4. Matters to be attended to in anchoring and mooring

5. Matters concerning rescue at sea

6. Matters concerning compensation for damage to a fishing vessel and gear

II

Letter from the Director of the Asian Affairs Bureau of the Ministry of Foreign Affairs of the Republic of Korea to the Director of the Asian Affairs Bureau of the Ministry of Foreign Affairs of Japan

Tokyo, June 22, 1965

Sir,

On the occasion of the signing today of the Agreement Concerning Fisheries between the Republic of Korea and Japan, I take pleasure in stating that the fisheries authorities of the Republic of Korea intend to guide Korean private organisations concerned so that an arrangement containing the items set forth in the sheet attached hereto may be made between the private organizations concerned of the two countries as soon as possible in order to ensure the safety of operation and maintain proper order in operation between the fishing vessels of Japan and the Republic of Korea and to serve the purpose of seeking smooth and speedy settlements of accidents at sea between the fishing vessels of the two countries.

YEON HA KOO
Director, Asian Affairs Bureau
Ministry of Foreign Affairs
of the Republic of Korea

Mr. Torao Ushiroku
Director, Asian Affairs Bureau
Ministry of Foreign Affairs of Japan

ATTACHED SHEET

ITEMS CONCERNING THE SAFETY OF OPERATION AND MAINTENANCE OF ORDER

[For the text of this annex, see p. 166 of this volume.]

RECORD OF DISCUSSIONS

In the course of negotiations for conclusion of the Agreement on Fisheries between Japan and the Republic of Korea, the following statements were made respectively by the Japanese and Korean sides :

Japanese Representative :

(a) Administrative guidance in "give administrative guidance... so as to restrict the number of fishing vessels or fishing units in operation" referred to in paragraph 2 (a) of the Agreed Minutes to the Agreement includes guidance for the adjustment of the number of licences and identification markings.

(b) The *observation* [inspection] of the state of policing within its country referred to in paragraph 3 (c) of the Agreed Minutes to the Agreement includes receiving an explanation about the state of issuance of licences and identification markings.

(c) Most of the Japanese fishing vessels engaging in coastal fishing which is not subject to the provisional regulation measures for fisheries and operating in the joint regulation zone are of small scale management and their areas of operation are, because of the actual operational capability of such fishing vessels, mainly from north of Tsushima to northwest of Chejudo in the joint regulation zone, and, in view of the state of that fishing, it is considered that there will be no major change in this situation.

Korean Representative :

(a) Administrative guidance in "give administrative guidance... so as to restrict the number of fishing vessels or fishing units in operation" referred to in paragraph 2 (a) of the Agreed Minutes to the Agreement includes guidance for the adjustment of the number of issuance of licences and identification markings.

(b) The observation of the state of policing within its country referred to in paragraph 3 (c) of the Agreed Minutes to the Agreement includes receiving an explanation about the state of issuance of licences and identification markings.

T. H.
K. S. L.