

No. 9723

**JAPAN
and
MEXICO**

**Agreement on fishing by Japanese vessels in waters
contiguous to the Mexican territorial sea (with
memorandum of understanding). Signed at Tlatelolco
on 7 March 1968**

Authentic texts of the Agreement: Japanese and Spanish.

Authentic text of the memorandum of understanding: Spanish.

Registered by Japan on 16 July 1969.

**JAPON
et
MEXIQUE**

**Accord relatif à la pratique de la pêche par des bateaux
japonais dans la zone contiguë à la mer territoriale
mexicaine (avec mémorandum d'accord). Signé à
Tlatelolco le 7 mars 1968**

Textes authentiques de l'Accord: japonais et espagnol.

Texte authentique du mémorandum d'accord: espagnol.

Enregistré par le Japon le 16 juillet 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN JAPAN AND THE UNITED
MEXICAN STATES ON FISHING BY JAPANESE VESSELS
IN THE WATERS CONTIGUOUS TO THE MEXICAN
TERRITORIAL SEA

The Government of Japan and the Government of the United Mexican States, desiring to conclude an Agreement on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, have agreed as follows:

Article 1

Japanese vessels shall not fish in the zones contiguous to the Mexican territorial sea which extend up to twelve nautical miles from the baseline from which the breadth of the said territorial sea is measured, except in those areas of the Pacific Ocean indicated below (hereinafter referred to as "areas of operation"), in which Japanese vessels duly authorized by the Government of Japan may fish:

(1) Between nine and twelve nautical miles from the baseline from which the breadth of the territorial sea is measured around the Mexican islands, with the exception of the Islas Marias, the islands lying off the west coast of the Baja California peninsula north of the parallel 30° north latitude and the islands lying to the west of the meridian 109°05' west longitude in the Gulf of California.

(2) Between nine and twelve nautical miles from the baseline from which the breath of the territorial sea is measured off the coast of the Mexican mainland:

(a) From a line connecting the geographical co-ordinates 14°32'42" north latitude — 92°27' west longitude and 14°30'36" north latitude — 92°29'18" west longitude, up to the meridian 94°40' west longitude;

(b) From the meridian 95°40' west longitude to the meridian 99°25' west longitude;

¹ Came into force on 10 June 1968, the date of receipt by the Government of the United Mexican States of a written notice from the Government of Japan confirming the approval of the Agreement by Japan under the procedures established in its domestic laws, in accordance with article 10.

- (c) From the meridian 102° west longitude to the meridian 106°10' west longitude;
- (d) From the meridian 106°55' west longitude to the meridian 109°05' west longitude, and
- (e) Off the west coast of the Baja California peninsula, from the parallel 23°10' north latitude to the parallel 30° north latitude.

Article 2

In the areas of operation Japanese vessels shall use the longline system which they have been using hitherto.

Article 3

Japanese vessels shall fish in the areas of operation for the following species: bigeye tuna (*Thunnus obesus*, Thunnidae family), yellowfin tuna (*Thunnus albacares*, Thunnidae family), sailfish (*Istiophorus orientalis*, Istiophoridae family), striped marlin (*Tetrapturus audax*, Istiophoridae family), swordfish (*Xiphias gladius*, Xiphiidae family) and any other species caught incidentally in the course of fishing for the above-mentioned species.

Article 4

The total fish catch by Japanese vessels in the areas of operation during the five-year period ending 31 December 1972 shall not exceed 15,500 metric tons, excluding species caught incidentally. Every possible effort shall be made to ensure that the total fish catch is distributed evenly over the five years of the above-mentioned period.

Article 5

The authorities of Japan shall notify to the authorities of the United Mexican States:

1. Not later than 31 January each year, the types and approximate number of Japanese vessels expected to be engaged in fishing in the areas of operation in the course of that year, and

2. Not later than 1 June each year, the results of the fishing activities of Japanese vessels in the areas of operation in the course of the immediately preceding year, including the fish catch and the approximate areas in which fishing operations were conducted.

Article 6

Representatives of the two Governments shall hold annual meetings to review the implementation of this Agreement. When it is deemed necessary in pursuance of international agreements to which either Government is a party or in compliance with resolutions or recommendations adopted by international organizations of which either Government is a member, and when it appears advisable in the interests of the conservation of the living resources of the sea, the Governments may, at the said meetings, establish regulatory measures applicable to Japanese vessels in the areas of operation, for the purpose of supplementing the execution of this Agreement.

Article 7

Japanese vessels operating in violation of any of the provisions of this Agreement shall be excluded from the benefits deriving from it.

Article 8

When it is deemed necessary, the two Governments shall hold consultations on the planning and execution of co-ordinated scientific research on the species mentioned in article 3 of this Agreement for the purpose of ensuring the rational utilization of those species.

Article 9

None of the provisions of this Agreement may be interpreted in such a way as to prejudice the respective positions of the two Governments with regard to the breadth of the territorial sea or the jurisdiction of States in matters of fisheries.

Article 10

This Agreement shall enter into force on the date on which the Government of the United Mexican States receives from the Government of Japan written notification to the effect that Japan has approved this Agreement in accordance with the procedures established in its domestic laws, and shall remain in force until 31 December 1972.

Article 11

Without prejudice to the provisions of article 10, either Government may give notice to the other of its intention to denounce this Agreement, at any time after one year has elapsed since its entry into force. The denunciation shall take effect six months after the date on which the notice is received by the other Government.

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

DONE in duplicate at Tlatelolco, Federal District, in the Japanese and Spanish languages, both texts being equally authentic, on 7 March 1968.

For the Government of Japan:

Shiro ISHIGURO

For the Government of the United Mexican States:

Gabino FRAGA

Under-Secretary of State for Foreign Affairs

MEMORANDUM OF AGREEMENT

With reference to the Agreement between Japan and the United Mexican States on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, signed on this date, the representative of the Governments of Japan and of the United Mexican States have agreed to place on record the following:

1. The representatives of the United Mexican States appreciate the difficulty of ensuring that no part of the longlines used by Japanese vessels drifts unintentionally and accidentally into waters in which Japanese vessels are prohibited from fishing under the Agreement. Consequently, any such intrusions would not be regarded as an infringement of the Agreement. Similarly, the representatives of Japan acknowledged the advisability of instructing Japanese vessels to exercise sufficient care to prevent such accidental intrusion and, should any such intrusion occur, to notify the Mexican authorities before hauling in the longlines that accidentally drifted into waters in which Japanese vessels are prohibited from fishing under the Agreement.

2. The representatives of Japan stated, with reference to article 4 of the Agreement, that they estimate that the amount of species caught incidentally by Japanese vessels in the areas of operation will not exceed 10 per cent of the total fish catch.

3. The representatives of Japan stated that the Japanese authorities will give the notification mentioned in article 5 paragraph 1 of the Agreement,

in respect of the year 1968, not later than thirty days after the date on which the Agreement enters into force and the notification mentioned in article 5, paragraph 2, in respect of the last year in which the Agreement is in effect, not later than 1 June of the following year.

4. The representatives of the United Mexican States stated that their Government does not intend to impose duties, taxes or other fiscal charges on Japanese vessels fishing under the terms of the Agreement. It was understood that the two Governments would consult each other on the question, if the Government of the United Mexican States should wish to impose duties, taxes or other fiscal charges on the above-mentioned Japanese vessels.

Tlatelolco, Federal District, 7 March 1968.

For the Government of Japan:

Shiro ISHIGURO

For the Government of the United Mexican States:

Gabino FRAGA

Under-Secretary of State for Foreign Affairs
