

No. 11063

**UNITED STATES OF AMERICA
and
JAPAN**

**Exchange of notes constituting an agreement regarding
king and tanner crab fisheries in the eastern Bering
Sea (with appendix and agreed minutes). Tokyo, 11 De-
cember 1970**

Authentic texts of the notes and appendix: Japanese and English.

Authentic text of the agreed minutes: English.

Registered by the United States of America on 4 May 1971.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Échange de notes constituant un accord concernant la
pêche du crabe tanner et du crabe d'Alaska dans la
partie orientale de la mer de Béring (avec appendice
et procès-verbal approuvé). Tokyo, 11 décembre 1970**

Textes authentiques des notes et de l'appendice : japonais et anglais.

Texte authentique du procès-verbal approuvé : anglais.

Enregistré par les États-Unis d'Amérique le 4 mai 1971.

[TRANSLATION — TRADUCTION]

The Minister of Foreign Affairs of Japan to the American Ambassador

Excellency,

[See note II]

KIICHI AICHI

His Excellency Armin H. Meyer
Ambassador of the United States of America
Tokyo

II

The American Ambassador to the Minister of Foreign Affairs of Japan

Tokyo, December 11, 1970

No. 849

Excellency :

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

"Excellency: I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from November 10 to November 24, 1970, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king crab fishery in the eastern Bering Sea contained in the exchange of notes on November 25, 1964,¹ as extended and modified by the exchange of notes on November 29, 1966,² and December 23, 1968,³ respectively :

1. The Government of Japan holds the view that king crabs and tanner crabs are high seas fishery resources, and that nationals and vessels of Japan are entitled to continue fishing for king crabs and tanner crabs in the eastern Bering Sea.

¹ United Nations, *Treaty Series*, vol. 533, p. 31.

² *Ibid.*, vol. 680, p. 382.

³ *Ibid.*, vol. 714, p. 286.

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows :

- 1) The fisheries for king and tanner crab by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the waters which have been fished historically by Japan; that is, those waters in which migrate the crab stocks exploited in the past by Japan; provided that in order to avoid overfishing of the crab resources in the eastern Bering Sea, the Government of Japan ensures that the annual commercial catch of king crabs by nationals and vessels of Japan for the years 1971 and 1972 shall be equivalent to 37,500 cases respectively (one case being equivalent to 48 half-pound cans) and that the annual commercial catch of tanner crabs by nationals and vessels of Japan for the years 1971 and 1972 respectively shall not exceed 14,600,000 crabs with an allowance of 10 percent.
- 2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.
- 3) The International Commission under the North Pacific Fishery Convention¹ will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resources.
- 4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.
- 5) The two Governments shall meet before December 31, 1972, to review the operation of these arrangements and the condition of the king and tanner crab fisheries of the eastern Bering Sea, and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph, and the United States President's assurance of May 20, 1964, that full consideration would be given to Japan's long established fishery for king crab.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your

¹ United Nations, *Treaty Series*, vol. 205, p. 65.

Government shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

ARMIN H. MEYER

His Excellency Kiichi Aichi
Minister of Foreign Affairs
Tokyo

APPENDIX

A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of that number required to attain the 37,500 case quota, and any tanner crabs taken in excess of the agreed quota shall be returned immediately to the sea with a minimum of injury.

B. King crabs and tanner crabs shall not be taken in 1971 or 1972 by means of fishing gear other than pots and tanglenets. The stretched diagonal measure of tanglenet mesh shall be no less than 50 cms.

C. Unless otherwise agreed by the two Governments, only pots may be used to capture king and tanner crabs for commercial purposes in the area lying seaward of the United States territorial sea and within the following described boundaries: a line running from a point on the Bering Sea coast of the Alaska Peninsula due west along 55°54' North Latitude to its intersection with a line passing between 56°20' North Latitude, 163°00' West Longitude and 55°16' North Latitude, 166°10' West Longitude, thence southwesterly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55°16' North Latitude and 166°10' West Longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.

AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connection with the notes exchanged today between Ambassador Meyer and

Foreign Minister Aichi concerning the king and tanner crab fisheries in the eastern Bering Sea :

1. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

2. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well being of the living resources thereof.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

For the United States Delegation :
LESTER E. EDMOND

For the Japanese Delegation :
YOSHIO OKAWARA