

No. 11062

**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement concerning certain fisheries off the coast of the United States of America and concerning salmon fishing (with related exchange of notes and note and agreed minutes). Tokyo, 11 December 1970

Authentic texts of the notes: 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 relatif à certaines pêcheries au large de la côte des États-Unis d'Amérique et à la pêche du saumon (avec échange de notes et note connexes et procès-verbal approuvé). Tokyo, 11 décembre 1970

Textes authentiques des notes : japonais et anglais.

Texte authentique du procès-verbal approuvé : anglais.

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

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
 BETWEEN THE UNITED STATES OF AMERICA AND
 JAPAN CONCERNING CERTAIN FISHERIES OFF THE
 COAST OF THE UNITED STATES OF AMERICA

千九百七十年十二月十一日に東京で

日本国外務大臣

愛知
 公口
 撥

アメリカ合衆国特命全権大使

アーミン・H・マイヤー閣下

¹ Came into force on 11 December 1970 by the exchange of the said notes.

[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

II

The American Ambassador to the Minister of Foreign Affairs of Japan

Tokyo, December 11, 1970

No. 850

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 held in Tokyo from November 10 to November 24, 1970, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following arrangements which shall replace the previous arrangements contained in the exchange of notes on May 9, 1967,¹ as extended and modified by the exchange of notes on December 23, 1968 :²

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing except such fishing as listed below in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

1) Crab fishing in the waters off St. George Island in the Pribilofs.

¹ United Nations, *Treaty Series*, vol. 68b, pp. 25b and 283.

² *Ibid.*, vol. 714, p. 330.

- 2) Dagnet and longline fishing in the waters off the Bering Sea coast of the Aleutian Islands :
 - (a) between 169° and 172° West Longitude;
 - (b) west of 176° West Longitude;
 - (c) from December 1 to May 31 inclusive, between 165° and 166°45' West Longitude;
 - (d) from February 16 to September 14 inclusive, between 166°45' West Longitude and 169° West Longitude;
 - (e) from April 1 to October 31 inclusive, between 172° West Longitude and 176° West Longitude.
- 3) Dagnet and longline fishing off the Pacific coast of the Aleutian Islands :
 - (a) between 169° and 172° West Longitude;
 - (b) west of 178°30' West Longitude;
 - (c) from February 16 to September 14 inclusive, between 166° and 169° West Longitude;
 - (d) from April 1 to October 31 inclusive, between 172° and 178°30' West Longitude.
- 4) Dagnet and longline fishing off St. George Island in the Pribilofs.
- 5) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, and Hawaii, Maui, Molokai, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.
- 6) Whaling in all waters off the coast of the State of Alaska except off the Pacific coast between 150° and 163° West Longitude.

2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan shall be as follows :

- 1) Near Destruction Island in the State of Washington in the waters between 47°36' North Latitude, and 47°45' North Latitude.
- 2) Near Forrester Island in the State of Alaska in the waters bounded on the north by 54°54' North Latitude, on the east by 133°16' West Longitude, and on the south by 54°44' North Latitude.
- 3) On the east side of Kayak Island in the State of Alaska in the waters between 59°48' and 59°56' North Latitude west of 143°53' West Longitude and on the west side of Kayak Island in the waters between 59°52' and 60°07' North Latitude east of 145° West Longitude.
- 4) North of Tonki Cape on Afognak Island in the State of Alaska in the waters bounded on the north by 58°35' North Latitude, on the south by 58°25' North Latitude, on the west by 152°02' West Longitude and on the east by 151°52' West Longitude.
- 5) Near the Semidi Islands in the State of Alaska in the waters between 56° North Latitude and 56°19' North Latitude.
- 6) On the west side of Sanak Island in the State of Alaska in the waters bounded

on the north by 54°36' North Latitude, on the south by 54°26' North Latitude, on the west by 136°05' West Longitude and on the east by 162°40' West Longitude.

- 7) On the north side of Unalaska Island in the State of Alaska in the waters between 167°30' West Longitude and 167°35' West Longitude.
- 8) On the north side of St. Matthew Island, Alaska, in the Bering Sea in the waters between 172°29' West Longitude and 172°46' West Longitude, and on the south side of St. Matthew Island in the waters between 172°17' West Longitude and 172°35' West Longitude and in the waters between 172°54' West Longitude and 173°04' West Longitude.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal state over fisheries.

4. The present arrangements shall be effective as of January 1, 1971, and shall continue in effect until December 31, 1972, provided that in regard to the fishing as specified in paragraph 1 (2) (c), the present arrangements shall continue in effect until May 31, 1973. The two Governments shall meet before December 31, 1972, to review the operation of the present arrangements and to decide on future arrangements.

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

[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

II

The American Ambassador to the Minister of Foreign Affairs of Japan

Tokyo, December 11, 1970

No. 848

Excellency :

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

“Excellency : With reference to the notes exchanged today between Your Excellency and myself concerning certain fisheries off the coast of the United States of America, I have the honor to confirm, on behalf of the Government of Japan, the following understanding reached between the representatives of the two Governments concerning salmon fishing.

With regard to the salmon fishing carried out in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured west of the provisional lines specified in the International Convention for the High Seas Fisheries of the North Pacific Ocean,¹ each Government will pay due regard to the position maintained by the other with respect to the interpretation and implementation of the said Convention.

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

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

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 reply 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

[TRANSLATION¹ — TRADUCTION²]*The Minister of Foreign Affairs of Japan to the American Ambassador*

Tokyo, December 11, 1970

Excellency :

I have the honor to refer to the arrangements set forth in the notes exchanged today between us concerning certain fisheries off the coast of the United States of America and to inform Your Excellency of the following :

The Government of Japan will take necessary measures to ensure that, with a view to preventing conflict of fishing gear during periods of high concentration of such gear, nationals and vessels of Japan will not, during the duration of the above-mentioned arrangements, engage in the following fishing in the waters and during the periods specified below respectively :

1. Dagnet and longline fishing from August 20 to April 30 of the following year inclusive :

Off Kodiak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed :

(i) <i>North Latitude</i>	<i>West Longitude</i>
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°26'	155°55'
57°15'	154°51'

(ii) <i>North Latitude</i>	<i>West Longitude</i>
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.

(iii) <i>North Latitude</i>	<i>West Longitude</i>
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'

(iv) <i>North Latitude</i>	<i>West Longitude</i>
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
56°46'	152°20'
57°19'	152°20'
57°05'	152°52'

(v) <i>North Latitude</i>	<i>West Longitude</i>
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°00'
57°35'	152°03'

(vi) <i>North Latitude</i>	<i>West Longitude</i>
58°00'	152°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
58°00'	152°00'

2. Dragnet and longline fishing from September 15 to February 15 of the following year inclusive :

Off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the area bounded by straight lines connecting the following coordinates in the order listed :

<i>North Latitude</i>	<i>West Longitude</i>
54°10'	163°04'
53°28'	166°00'
54°00'	166°00'
54°00'	165°00'
54°33'	164°00'
54°33'	163°04'
54°10'	163°04'

3. Dagnet and longline fishing during the first 15 consecutive days of the halibut fishing season in the following areas. Information as to the dates of the first 15 consecutive days of the season shall be provided no less than one month in advance to the Government of Japan by the Government of the United States of America :

- (1) The area bounded by straight lines connecting the following coordinates in the order listed :

<i>North Latitude</i>	<i>West Longitude</i>
59°28'	150°00'
59°28'	147°41'
58°30'	148°30'
58°42'	150°20.

- (2) The area bounded by straight lines connecting the following coordinates in the order listed :

<i>North Latitude</i>	<i>West Longitude</i>
58°05'	150°27'
58°05'	148°47'
57°40'	150°05'

- (3) The area seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured bounded by straight lines connecting the following coordinates in the order listed :

<i>North Latitude</i>	<i>West Longitude</i>
56°24'	156°30'
56°18'	155°48'
55°31'	156°04'
55°30'	156°31'

4. Dagnet and longline fishing throughout the year in the waters off the coast of the State of Washington between 46°14' North Latitude and 46°56' North Latitude landward of the isobath of 110 meters.

5. Dagnet fishing during the period specified below, or in the event the Government of Japan is informed by the Government of the United States of America no less than one month in advance of a change in the halibut fishing season, the first 6 consecutive days of such season in each of the following three areas respectively bounded by straight lines connecting the coordinates in the order listed :

North Latitude *West Longitude*

(Polaris Grounds March 22—27 inclusive)

55°04'	167°18'
54°44'	166°14'
54°30'	166°24'
54°34'	167°14'
54°50'	167°38'

North Latitude *West Longitude*

(Misty Moon Grounds March 22—27 inclusive)

56°18'	170°24'
56°20'	169°03'
56°12'	168°46'
55°56'	169°10'
55°56'	170°24'

(Corridor Grounds March 17—22 inclusive)

58°32'	175°52'
58°40'	174°20'
57°02'	173°00'
56°52'	173°44'

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

KIICHI AICHI

Minister for Foreign Affairs of Japan

His Excellency Armin H. Meyer
Ambassador Extraordinary and Plenipotentiary
of the United States of America

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 certain fisheries off the coast of the United States of America and salmon fishing, and the note of Foreign Minister Aichi of today's date concerning dragnet and longline fishing in certain waters :

1. It is agreed that for the purposes of the arrangements set forth in the above-mentioned notes the term "the United States of America" does not include the Trust Territory of the Pacific Islands.

2. The Japanese representative stated that fishing effort by Japanese nationals and vessels in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured (hereinafter referred to as "the Waters") would not exceed the level of 1966 and that, with respect to dragnet fishing in the Waters, there would be no marked change in the present method of operating the fishing gear.

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.

4. It is agreed that, with respect to areas of heavy concentration of fishing operations of both countries, each Government will take appropriate measures aimed at prevention of damage to fishing gear of the vessels of both countries, including measures for improvement of the means for marking fixed gear, measures to ensure that fixed gear is set with due regard for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear.

5. It is recognized that it might not be possible to fully prevent parts of longlines used in the tuna fishery from unintentionally and accidentally drifting into that part of the Waters where the Japanese Government agrees to ensure that Japanese nationals and vessels will not engage in the tuna fishery. Such cases as described above, when verified by the circumstances, will not be regarded as infringements of the above-mentioned arrangements.

6. 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.

7. 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.

8. The Japanese representative stated that when fishing for tuna in the Waters Japanese tuna fishermen would not attempt to seek out concentrations of billfishes.

9. The Japanese representative stated that salmon fishing operations of nationals and vessels of Japan in the Waters would be conducted paying due regard to the conditions of the runs of salmon of Bristol Bay origin. The two Governments will hold consultations, if necessary, on the problem of fishing for salmon of Bristol Bay origin.

10. The Japanese representative took cognizance of the existing bilateral agreements between the US and USSR and Poland with respect to certain species of fish in the Mid-Atlantic area on the high seas off the coast of the United States of America.¹ The said representative stated that

¹ United Nations, *Treaty Series*, vol. 715, p. 392, and vol. 756, p. 336.

the target species of nationals and vessels of Japan operating in the area concerned consisted mainly of such species as butterfish, squid and argentine, species which are not covered by the said agreements, and that they would not harvest those particular species covered by the agreements to such an extent as to impair the objectives of the said agreements.

For the United States Delegation :
LESTER E. EDMOND

For the Japanese Delegation :
YOSHIO OKAWARA
