

No. 13088

UNITED STATES OF AMERICA
and
UNION OF SOVIET SOCIALIST REPUBLICS

Agreement on certain fishery problems on the high seas in the western areas of the Middle Atlantic Ocean (with related letter). Signed at Copenhagen on 21 June 1973

Authentic texts of the Agreement: English and Russian.

Authentic text of the related letter: English.

Registered by the United States of America on 12 February 1974.

ÉTATS-UNIS D'AMÉRIQUE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES

Accord relatif à certaines questions posées par l'exercice de la pêche dans la partie centre-ouest de l'océan Atlantique (avec lettre connexe). Signé à Copenhague le 21 juin 1973

Textes authentiques de l'Accord : anglais et russe.

Texte authentique de la lettre connexe : anglais.

Enregistré par les États-Unis d'Amérique le 12 février 1974.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interests, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and coordinating scientific research in the field of fisheries and the exchange of scientific data,

Have agreed on the following:

1. *a.* The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both Parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent authorities of both Governments shall ensure the following, at least on an annual basis:

- (i) An exchange of scientific and statistical data, published works, and the results of fishery research; and
- (ii) Meetings of scientists.

b. The competent authorities of the two Governments shall also ensure the mutual exchange of regular visits of scientists to fisheries research vessels for varying periods of time in order to enhance scientific collaboration. Each exchange shall generally include two visiting scientists. Such collaboration may continue through the analyses of data, samples, and other results of the research.

c. Each Government will take the necessary steps to ensure that its competent authorities conduct the corresponding fishery research and develop the most rational fishing technology, in accordance with a coordinated program which has been developed by the scientists of both countries. The exchange of scientific and statistical data shall include, *inter alia*, information on methods of analysis and data on by-catches.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

¹ Came into force on 1 July 1973, in accordance with article 13.

- a. Refrain from fishing during the period from January 1 through April 15, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following coordinates in the order listed:

<i>North Latitude</i>	<i>West Longitude</i>
40° 05'	71° 40'
39° 50'	71° 40'
37° 50'	74° 00'
37° 50'	74° 25'
38° 24'	73° 44'
39° 40'	72° 32'

- b. Refrain from increasing the catch of scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries¹ and north of 34° North Latitude;
- c. Refrain, in the waters specified in sub-paragraph *b* of this paragraph, from conducting specialized fisheries for scup, flounders, bluefish, and river herring in all instances, and from increasing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;
- d. Refrain, in waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 30° North Latitude, from fishing menhaden during the period from January 1 through April 30, and from increasing the incidental catch of this species;
- e. Limit their catches of silver hake, red hake, and flounders (other than yellowtail) from the southern New England stocks so that the aggregate catches of silver hake, red hake, and flounders (other than yellowtail) from these stocks shall not exceed the national allocations agreed upon in the International Commission for the Northwest Atlantic Fisheries (ICNAF);
- f. Limit their catches of sea herring and mackerel from the Mid-Atlantic stocks so that the aggregate catches of sea herring and mackerel from these stocks shall not exceed the agreed upon ICNAF national allocations and shall comply with applicable ICNAF size limitations;
- g. The provisions of sub-paragraphs *a*, *b*, and *c* of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Fishing vessels of the Union of the Soviet Socialist Republics shall refrain from engaging in the intentional catching of lobster off the coast of the United States north of Cape Hatteras, shall take appropriate measures to minimize incidental catches of lobster in specialized fisheries for other species, and shall return to the sea in a viable condition all lobster taken incidentally insofar as possible.

4. Considering the necessity to conserve the stocks of yellowtail flounder inhabiting the shallow waters in the southern New England and northern Mid-Atlantic areas, taking into account that these stocks migrate in these areas, and realizing that conservation measures may be effective ones only if applied to a stock as a whole, the Government of the Union of Soviet Socialist Republics agrees to limit the fishing operations of the vessels of the Union of Soviet Socialist Republics more than 145

¹ United Nations, *Treaty Series*, vol. 157, p. 157.

feet in length to mid-water trawling, using mid-water trawl doors, during the period from July 1 through December 31 in the area adjacent to the United States coast north of 40°20'N and south of 43°17'N, and west of the line drawn between the points 68°15'W, 40°20'N and 70°00'W, 43°17'N. Representatives of both Governments will meet prior to the expiration of the period of validity of this Agreement, with a view to considering further conservation measures for yellowtail flounder stocks. The implementation of this paragraph of the Agreement shall not result in an increase in fishing vessel units in the shallow water areas on Georges Bank.

5. Both Governments shall take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

6. Fishing vessels and fishery support vessels under the flag of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

a. During the period from November 15 through May 15:

<i>North Latitude</i>	<i>West Longitude</i>
40° 44' 00"	72° 27' 00"
40° 38' 00"	72° 27' 00"
40° 34' 31"	72° 40' 00"
40° 32' 41"	72° 46' 26"
40° 32' 32"	72° 53' 26"
40° 36' 54"	72° 53' 26"
40° 40' 55"	72° 40' 00"

b. During the period from September 15 through May 15:

<i>North Latitude</i>	<i>West Longitude</i>
39° 40' 00"	74° 00' 00"
39° 37' 00"	73° 54' 00"
39° 32' 30"	73° 57' 18"
39° 35' 30"	74° 04' 00"

7. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

<i>North Latitude</i>	<i>West Longitude</i>
40° 40' 55"	72° 40' 00"
40° 34' 31"	72° 40' 00"
40° 32' 41"	72° 46' 26"
40° 32' 32"	72° 53' 26"
40° 36' 54"	72° 53' 26"

Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the following:

a. The entry of not more than four Soviet fishing, fishery research, and fishery support vessels each month into each of the Ports of Baltimore, Philadelphia, New York, and Boston. In addition, special provisions shall be made as necessary regarding the entry of Soviet research vessels which are engaged in a mutually

agreed research program in accordance with the terms of paragraph 1 of this Agreement.

- b. Entry into the Ports of Baltimore, Philadelphia, and New York, as indicated in sub-paragraph *a* above, shall be permitted subject to four days' advance notice of the planned entry to the appropriate authority.
- c. The Government of the United States of America will accept applications for entry into the Port of Boston either at the American Embassy in Moscow or at the Department of State in Washington at least seven days prior to entry. Such applications may be made in Washington either by the Soviet Embassy or by a commercial shipping agent designated by the appropriate Soviet authorities.
- d. The Government of the United States of America at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months for multiple entries into United States ports pursuant to sub-paragraph *a* above. Such a crew list shall be submitted at least 14 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this sub-paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry or an application for entry under sub-paragraph *b* or *c* above shall specify if shore leave is requested under such a multiple entry visa.
- e. Entry of all vessels into the ports referred to in subparagraph *a* above may be to replenish ships stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, and obtain minor repairs and other services normally provided in such ports, all in accordance with applicable rules and regulations.
- f. Subject to the provisions of this Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.
- g. Each of the above provisions in this paragraph may be modified by mutual consent at any time.

9. Under conditions of *force majeure*, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing, fishery research, and fishery support vessels into its respective open ports after appropriate notification has been given.

10. Both Governments consider it useful to arrange:

- a. Regular visits of representatives of the fisheries authorities of the two countries to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of the fishing fleets, and questions arising out of the application of the provisions of this Agreement; such visits shall take place at least every three months, on appropriate vessels of each side; and
- b. Mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the Western areas of the Middle Atlantic.

Those participating in each visit shall prepare a brief report of their visit in each case and submit it to the appropriate authorities of the two Governments. Visits shall be arranged between the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts, and the chiefs of the joint fleet expeditions of the Main Administrations "ZAPRYBA" or "SEVRYBA" as appropriate. Each side will inform the other side, at least two weeks before the visit, of subjects it wishes discussed.

11. The Scheme of Joint Enforcement in effect under the 1949 International Convention for the Northwest Atlantic Fisheries shall apply on a voluntary basis to enforcement of the provisions of this Agreement. The Scheme of Joint Enforcement will also be applied on a voluntary basis to enforcement of regulations in effect under the Convention in Statistical Area 6 until the Scheme becomes effective in that area for both Governments. Each Government will inform the other of the date on which it is able to apply the Scheme on a mandatory basis to enforcement of regulations in effect under the Convention in Statistical Area 6. Nothing in this paragraph is intended to modify the mandatory application of the Scheme of Joint Enforcement under the 1949 International Convention for the Northwest Atlantic Fisheries to conservation regulations under that convention, or the system of enforcement applicable to the nine-mile fishing zone contiguous to the territorial sea of the United States.

12. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

13. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on December 11, 1970.¹

The present Agreement shall enter into force on July 1, 1973 and shall remain in force through December 31, 1974. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements. Notwithstanding the above, at any time after March 31, 1974, either Government may communicate to the other Government its intention to denounce the present Agreement, in which case the Agreement shall terminate one month from the date on the communication. As soon as possible after receipt of such communication, representatives of the two Governments will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE in Copenhagen, June 21, 1973, in duplicate, in English and Russian, both texts being equally authentic.

For the Government
of the United States of America:

[Signed — Signé]¹

For the Government
of the Union of Soviet
Socialist Republics:

[Signed — Signé]²

¹ United Nations, *Treaty Series*, vol. 777, p. 3.

² Signed by Donald L. McKernan — Signé par Donald L. McKernan.

³ Signed by Vladimir M. Kamentsev — Signé par Vladimir M. Kamentsev.

RELATED LETTER

Copenhagen, June 21, 1973

Dear Mr. Minister:

Under the Agreement signed today for our two Governments on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean, notification of a visit to the U.S. ports of Baltimore, New York, and Philadelphia must be received at least four days in advance of port entry. Notice of visits of fishing vessels and fishery support vessels shall be forwarded to U.S. Coast Guard Headquarters, Washington, D.C., from a shipping agent (either (1) via Telex using address, "Commandant, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C., Telex number: 89-2427"; or (2) by TWX using address, "Coast Guard Headquarters, 6th & D Streets, S.W., Washington, D.C., TWX number: 202-965-0660"; or (3) via Western Union using either of the above addresses). Notice of visits of fishery research vessels shall be forwarded to the United States Department of State, Washington, D.C., through diplomatic channels.

Applications for entry into the Port of Boston shall be made as specified in the Agreement.

Sincerely yours,

[Signed]

DONALD L. MCKERNAN
Chairman of the Delegation
of the United States of AmericaHis Excellency Vladimir M. Kamentsev
Chairman of the Delegation
of the Union of Soviet Socialist Republics