

No. 13342

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**UNITED STATES OF AMERICA  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement relating to the consideration of claims resulting from damage to fishing vessels or gear and measures to prevent fishing conflicts (with annex). Signed at Moscow on 21 February 1973**

**Protocol to the above-mentioned Agreement. Signed at Moscow on 21 February 1973**

**Protocol adding annex II to the above-mentioned Agreement of 21 February 1973. Signed at Copenhagen on 21 June 1973**

*Authentic texts: English and Russian.*

*Registered by the United States of America on 30 May 1974.*

**AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE CONSIDERATION OF CLAIMS RESULTING FROM DAMAGE TO FISHING VESSELS OR GEAR AND MEASURES TO PREVENT FISHING CONFLICTS**

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, wishing to facilitate the settlement of claims advanced by a national of one country against a national of the other country as a result of financial loss arising from damage to fishing vessels or fishing gear and to prevent fishing conflicts between fishing vessels of both countries carrying out fishing operations in the same areas,

Have agreed on the following:

*Article I.* 1. There are established two American-Soviet Fisheries Claims Boards, one in Washington and one in Moscow.

2. Each Board shall consist of four members, two appointed by the Government of the United States of America and two appointed by the Government of the Union of Soviet Socialist Republics. Each Government shall inform the other of the names of the persons it appoints to each Board.

3. Each Government may appoint one non-voting technical expert to a Board for each matter heard, and may also designate advisers to the members of a Board whom it has appointed.

4. All decisions of a Board shall require a unanimous vote of its members present and voting, so long as one member appointed by each Government is present.

5. Insofar as is necessary, considering the location of the parties and the availability of evidence, a Board may decide to meet in a place other than its permanent site.

6. English and Russian shall be the official and working languages of the Boards. The appropriate authorities of the two Governments shall assist the Boards in arranging for translation and interpretation.

7. For purposes of this Agreement, the term "national" refers to any person, natural or juridical.

*Article II.* 1. A Board shall consider claims advanced by a national of one country against a national of the other country regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear.

2. No claim may be brought more than one year after the occurrence of the relevant incident except that, in the case of incidents occurring during the two years immediately preceding the entry into force of this Agreement, claims may be brought within two years of the incident, or within one year of the entry into force of this Agreement, whichever is longer.

<sup>1</sup> Came into force on 21 February 1973 by signature, in accordance with article XIII.

*Article III.* 1. A Board shall establish its procedures for conciliation in accordance with this Agreement.

2. A claimant shall determine at his own discretion in which Board his case is to be examined.

3. A claim, as referred to in article II of this Agreement, shall be brought before the Board by a written request. The request shall include, insofar as is known by the claimant, *inter alia*, a detailed account of the incident from which the claim arises, the identity of all persons and vessels involved, the compensation sought, and a list of those who are knowledgeable about the incident. All appropriate evidence supporting the claim shall be forwarded with the claim to the Board.

4. Upon receipt of a claim, the Board shall, as soon as practicable, commence an inquiry into the incident. The Board shall immediately notify any national against whom a claim is made. The respondent may in turn file with the Board a written statement responding to the claim and any other evidence he deems advisable. The respondent's statement may contain a counterclaim, insofar as the counterclaim arises from the same incident upon which the claim is based. A counterclaim shall be in the same form as a claim. The Board may simultaneously consider claims that arise from the same incident, without prejudice to the right of each party to present evidence.

5. A Board may request further information and documents from the parties to the dispute or from the appropriate authorities of the two countries.

6. If either the claimant or the respondent so requests or if the Board deems it desirable, the Board shall convene a hearing regarding the incident. The claimant and respondent may appear at the hearing, personally or through a representative, with or without counsel, may testify, and may present others to testify. The Board may invite to testify any person, organization, corporation, or other entity, as it deems desirable. The claimant and respondent shall be permitted to question all persons testifying at the hearing, provided that no person shall be required to respond to any question.

7. The Board shall act as an intermediary between the claimant and the respondent and, at any stage of its considerations of a claim, may approach the claimant and the respondent to try to bring about a conciliation.

8. The appropriate authorities of the two Governments shall facilitate the work of the Board.

*Article IV.* 1. On the basis of the evidence submitted and heard and of its discussions thereof, the Board shall prepare a report containing its findings as to:

- (a) the facts giving rise to the claim;
- (b) the extent of damage and loss;
- (c) the degree of respondent's and claimant's responsibility, if any; and
- (d) the amount, if any, which should be paid by respondent or claimant as compensation for damage and loss arising from the incident.

2. If the Board has not unanimously adopted the findings, this shall be stated in the report, along with a detailed account of each Board member's opinion.

3. The Board shall reach a decision on the claim within sixty days after it has collected all the evidence it deems necessary and then shall without delay transmit its report to the claimant, the respondent, and the appropriate authorities of the two Governments. If the Board is of the opinion that one of the parties should pay compensation, the Board shall address a recommendation to that effect to the party concerned.

4. Within thirty days after receipt of the Board's report, either the claimant or the respondent may request in writing that the Board reconsider its report. The request shall set forth the reasons for the request and material substantiating the request. The Board may decide to reconsider its report and, if it deems appropriate, receive new evidence or convene a rehearing, or both. Article III procedures will be applicable to the reconsideration.

5. The appropriate authorities of the two Governments undertake to encourage settlement of claims and to facilitate payments thereof in accordance with the findings of the Board and with the applicable domestic laws.

6. Within sixty days of receipt of the Board's report, the appropriate authorities of each Government shall inform the Board of the actions taken by the claimant or the respondent pursuant to the Board's findings.

7. If the Board has not arrived at a unanimous finding, if one of the parties to the conciliation proceeding refuses to settle in accordance with the findings of the Board, or if conciliation is not possible, the Board shall encourage the parties to submit the dispute to arbitration.

*Article V.* 1. At the request of both parties to a dispute, a Board may arbitrate instead of conciliate a claim advanced by a national of one country against a national of the other country regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear, pursuant to a signed written agreement between such nationals to submit such claim to the Board for arbitration.

2. The following articles or paragraphs of this Agreement shall not apply to arbitration proceedings unless the arbitration agreement provides otherwise: article I (3), article I (4), article II, article III, article IV, article VI, article VIII, article IX, article X (2), article X (3), and article XII.

*Article VI.* Each Board shall, as soon as possible after the end of a calendar year, send to the two Governments a short report concerning the claims it has handled and of the results which have been obtained.

*Article VII.* The appropriate authorities of the two Governments will encourage their nationals to use, in the first instance, the Board to settle claims resulting from damage to fishing vessels and fishing gear.

*Article VIII.* 1. In considering those claims which arise subsequent to the entry into force of this Agreement, the Board shall be guided by the provisions of the rules set forth in the annex or annexes hereof. The annex or annexes form an integral part of this Agreement.

2. The two Governments shall encourage their fishermen to follow, insofar as practicable, the rules set forth in the annex or annexes.

3. The competent authorities of one Government may notify the competent authorities of the other Government of concentrations or probable

concentrations known to them of fishing vessels or fishing gear. A competent authority receiving such notification shall take such steps as are practicable to inform vessels flying the flag of its country of such concentrations.

4. Within areas in which one of the Governments has jurisdiction over fisheries, it may make special rules and exemptions from rules dealing with identification and marking of fishing vessels and gear, with signals to be used by fishing vessels, with the marking of nets, lines and other gear, and with rules governing the operation of vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of the other country. Before making rules and exemptions hereunder in respect to areas in which vessels of the other country operate, the Government shall inform the other Government of its intentions and consult if the other Government so wishes.

5. At the request of either Government, representatives of the two Governments shall meet to review the operation of an annex or of any provision of an annex and to consider proposals for revision. The provisions of an annex may be modified at any time by mutual consent.

*Article IX.* In considering claims under this Agreement, the Board shall also apply:

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the two States, including bilateral and multilateral agreements between the two Governments dealing with fisheries and maritime matters; and
- (b) international custom, as evidence of a general practice accepted as law.

*Article X.* 1. Without prejudice to an agreement for binding arbitration under article V and subject to article VII, nothing in this Agreement shall preempt, prejudice, or in any other way affect judicial proceedings, or the right to institute such proceedings, or in any way prejudice or affect the substantive or procedural rights of any person, whether or not such person appears before or participates in the proceedings of the Board.

2. No claim shall be brought between the parties the substance of which has been or is being adjudicated or arbitrated, nor shall the Board continue conciliation proceedings regarding a claim in respect to which judicial proceedings are instituted. The Board may also refuse to consider a claim for other reasons.

3. The Board immediately terminate conciliation proceedings regarding a claim in respect to which there is a binding agreement to arbitrate.

*Article XI.* Each Government shall pay all the expenses, including compensation, of the members it appoints to the Board and of any technical experts it appoints, and advisers it designates. The two Governments will share equally all the administrative and operational costs of the Board. Such costs do not include expenses related to the presentation or production of evidence or the appearance of witnesses.

*Article XII.* At the request of either Government, representatives of the two Governments shall meet to review the operation of this Agreement and to consider proposals for revision.

*Article XIII.* This Agreement shall enter into force upon signature. It shall remain in force for two years, and thereafter until the sixtieth day following the day on which one Government gives the other Government notice of termination, provided that the effect of this Agreement shall in any event continue until the conclusion of conciliation proceedings and arbitrations instituted prior to its termination, unless otherwise agreed by the two Governments.

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

DONE, in duplicate, in the English and Russian languages, both equally authentic, at Moscow this 21st day February 1973.

For the Government  
of the United States of America:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Union of Soviet Socialist  
Republics:

[Signed — Signé]<sup>2</sup>

## ANNEX

### MEASURES TO PREVENT FISHING CONFLICT IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN INCLUDING THE EASTERN BERING SEA OFF THE COAST OF THE UNITED STATES OF AMERICA

1. *a.* This annex applies to the waters of the northeastern part of the Pacific Ocean including the eastern Bering Sea off the coast of the United States of America.

*b.* For purposes of this annex, “fishing vessel” means any vessel engaged in the business of catching fish;

“Vessel” means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

2. *a.* Fishing vessels shall be registered and marked in order to ensure their proper identification at sea in accordance with the regulations of each Government. The competent authorities of each Government shall inform the competent authorities of the other Government of the system of registration and marking used.

*b.* Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

*c.* Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

*d.* The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

<sup>1</sup> Signed by Donald L. McKernan — Signé par Donald L. McKernan.

<sup>2</sup> Signed by V.M. Kamentsev — Signé par V.M. Kamentsev.

3. In addition to complying with the rules relating to signals as prescribed in the International Rules for Preventing Collisions at Sea, the fishing vessels of each Government shall comply with the rules set out below in this paragraph. No other additional light signals than those provided herein shall be used. The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary. The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m) apart but at a lower level than the lights prescribed in Rule 9 (c) (i) and (d) of the International Regulations for Preventing Collisions at Sea 1960.<sup>1</sup> They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9 (b) of the above Regulations.

a. (1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

- (i) when shooting their nets:  
two white lights in a vertical line one over the other;
- (ii) when hauling their nets:  
one white light over one red light in a vertical line one over the other;
- (iii) when the net has come fast upon an obstruction:  
two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

- (i) by day: the "T" flag — "Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;
- (ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;
- (iii) when shooting or hauling the net or when the net has come fast upon an obstruction:  
the lights prescribed in (1) above.

(4) The rules of this subparagraph need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Government likely to be concerned.

b. (1) Fishing vessels engaged in fishing with purse seines shall show two amber colored lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown when the vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) The rule of this subparagraph need not be applied to fishing vessels of less than 85 feet (25.90 m) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Government likely to be concerned.

c. No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

<sup>1</sup>United Nations, *Treaty Series*, vol. 536, p. 27.

4. With respect to the nets, lines and other gear anchored in the sea, the fishing vessels of each Government shall comply with the rules set out below in this paragraph.

a. The ends of halibut longlines and black cod longlines, whether hooks or pots are attached to the ground line shall be fitted with a flag and a white light. The flagpole of each buoy shall have a height of at least 2 meters above the buoy.

b. Each king or tanner crab pot shall be marked by at least two brightly colored buoys approximately 50 inches (1.25 m.) in diameter, each buoy having painted on it the registration number assigned by the appropriate authorities.

5. a. Subject to compliance with the International Regulations for Prevention of Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

b. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

c. No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

d. Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

e. No vessel shall use or have on board explosives intended for the catching of fish.

f. In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

g. (1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases in which the two preceding subparagraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

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**PROTOCOL<sup>1</sup> TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE CONSIDERATION OF CLAIMS RESULTING FROM DAMAGE TO FISHING VESSELS OR GEAR AND MEASURES TO PREVENT FISHING CONFLICTS<sup>2</sup>**

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

Considering that a common understanding is desirable on the application of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics relating to the consideration of claims resulting from damage to fishing vessels or gear and measures to prevent fishing conflicts,<sup>2</sup> hereinafter referred to as the Agreement,

Noting the discussion of this matter during the meeting of the representatives of the two Governments in Moscow in January-February, 1973,

Have agreed to the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics agree that the two American-Soviet Fisheries Claims Boards established under the Agreement shall consider only claims arising in the northeastern Pacific Ocean.

2. The application of the Agreement may be extended to other areas at any time by mutual agreement of the two Governments.

3. The two Governments understand that the annex attached to the Agreement contains interim rules which are subject to modification by mutual agreement. It is further understood that representatives of the two Governments shall consider more specific rules for fixed gear within six months following the signing of this Protocol.

4. The above provisions shall form an integral part of the Agreement.

5. This Protocol shall enter into force on signature, and shall remain in force during the period of validity of the Agreement, subject to the provisions of articles XII and XIII thereof.

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

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<sup>1</sup> Came into force on 21 February 1973 by signature, in accordance with paragraph 5.

<sup>2</sup> See p. 40 of this volume.

DONE in Moscow, February 21, 1973, in duplicate, in English and Russian, both texts being equally authentic.

For the Government  
of the United States of America:

[*Signed — Signé*]<sup>1</sup>

For the Government  
of the Union of Soviet Socialist  
Republics:

[*Signed — Signé*]<sup>2</sup>

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<sup>1</sup>Signed by Donald L. McKernan — Signé par Donald L. McKernan.

<sup>2</sup>Signed by V.M. Kamentsev — Signé par V.M. Kamentsev.

**PROTOCOL<sup>1</sup> TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE CONSIDERATION OF CLAIMS RESULTING FROM DAMAGE TO FISHING VESSELS OR GEAR AND MEASURES TO PREVENT FISHING<sup>2</sup> CONFLICTS**

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

Considering that a common understanding is desirable on the application of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics relating to the consideration of claims resulting from damage to fishing vessels or gear and measures to prevent fishing conflicts, done at Moscow on February 21, 1973,<sup>2</sup> hereinafter referred to as the Agreement,

Noting the discussion of this matter during meetings of the representatives of the Governments in Moscow in January-February, 1973, and in Copenhagen in June, 1973,

Have agreed to the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics agree that the two American-Soviet Fisheries Claims Boards established under the Agreement shall consider claims arising in the Western areas of the Atlantic Ocean in addition to their consideration of claims arising in the northeastern Pacific Ocean.

2. The two Governments agree that the annex attached to this Protocol shall constitute annex II to the Agreement relating to the consideration of claims resulting from damage to fishing vessels or gear and measures to prevent fishing conflicts, and shall form an integral part of that Agreement.

3. The two Governments understand that the Claims Boards mentioned in paragraph 1 above shall be guided by the criteria set forth in annex II in their consideration of those claims which arise in the Western areas of the Atlantic Ocean subsequent to the entry into force of this Protocol. The two Governments shall encourage their fishermen to follow, insofar as practicable, the rules set out in this annex.

4. The two Government understand that the annex attached to this Protocol contains interim rules which are subject to modification or termination by mutual agreement at any time. It is further understood that representatives of the two Governments shall consider more specific rules for fixed gear within six months following the signing of this Protocol.

5. The above provisions shall form an integral part of the Agreement.

<sup>1</sup> Came into force on 21 June 1973 by signature, in accordance with paragraph 6.

<sup>2</sup> See p. 40 of this volume.

6. This Protocol shall enter into force on signature, and shall remain in force during the period of validity of the Agreement, subject to the provisions of articles XII and XIII thereof.

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

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]<sup>1</sup>

For the Government  
of the Union of Soviet Socialist  
Republics:

[Signed — Signé]<sup>2</sup>

## ANNEX II

### MEASURES TO PREVENT FISHING CONFLICT IN THE WESTERN AREAS OF THE ATLANTIC OCEAN OFF THE COAST OF NORTH AMERICA

1. *a.* This annex applies to the waters of the Atlantic Ocean off the coast of North America.

*b.* For purposes of this annex, “Fishing vessel” means any vessel engaged in the business of catching fish;

“Vessel” means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

2. *a.* Fishing vessels shall be registered and marked in order to ensure their proper identification at sea in accordance with the regulations of each Government. The competent authorities of each Government shall inform the competent authorities of the other Government of the system of registration and marking used.

*b.* Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

*c.* Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

*d.* The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

3. *a.* Subject to compliance with the International Regulations for Prevention of Collisions at Sea<sup>3</sup> all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

*b.* Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

<sup>1</sup> Signed by Donald L. McKernan — Signé par Donald L. McKernan.

<sup>2</sup> Signed by V.M. Kamentsev — Signé par V.M. Kamentsev.

<sup>3</sup> United Nations, *Treaty Series*, vol. 536, p. 27.

c. No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

d. Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

e. No vessel shall use or have on board explosives intended for the catching of fish.

f. In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

g. (1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding subparagraphs relate, nets, lines or other gear shall not, under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

4. With respect to nets, lines and other gear anchored in the sea, fishing vessels shall comply with the rules set out below in this paragraph.

a. Gear shall be marked sufficiently to indicate its position and extent. The ends of lines to which lobster pots are attached should be marked with buoys. The westernmost (meaning the half compass circle from south through west to and including north) end buoy should be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy should be fitted with one flag or a radar reflector. The westernmost end buoy may be fitted with one or two white lights, and the easternmost end buoy may be fitted with one white light. On lobster gear extending more than 1 ½ miles additional buoys should be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more is left unmarked. Each additional buoy should be fitted with a flag or a radar reflector and may be fitted with one white light. The flagpole of each buoy should have a height of at least 2 meters above the buoy. Each buoy should be marked so that ownership may be determined.

b. Fishing vessels operating gear anchored in the sea shall, when they are present, notify approaching vessels of the position and extent of gear.

c. Fishing vessels using mobile gear shall:

- (1) Maintain a continuous visual and radar watch for markers indicating the position and extent of gear anchored in the sea.
- (2) Avoid areas where gear is known to be anchored in the sea during periods of reduced visibility and hours of darkness.

5. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics will take steps to minimize the possibility of conflict between gear anchored in the sea and mobile fishing gear. This will include:

a. For the American side, with respect to lobster gear,

- (1) Development and use of improved marking, deployment, and notification practices,

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- (2) Timely notice to the Soviet fishing fleet of known locations of gear, and
- (3) Notice to the Soviet fishing fleet of markings in use.
- b.* For both sides, development and use of improved radio communications between individual vessels of both countries.
- c.* For the Soviet side, notice to American authorities of areas of concentration of the Soviet fishing fleet.
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