

No. 14524

**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 letters). Signed at Washington on 26 February
1975**

Authentic texts of the Agreement: English and Russian.

Authentic text of the related letters: English.

Registered by the United States of America on 31 December 1975.

**Entry into force of paragraphs 4 and 5 of the above-men-
tioned Agreement**

*Certified statement was registered by the United States of America on 31 December
1975.*

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.

d. Each Government considers it desirable to establish a cooperative program through which fisheries specialists of one country could be placed aboard fishing vessels of the other country for the purpose of obtaining biostatistical data from catches obtained by using various fishing methods. It is understood that representatives of the two Governments shall consult as necessary for the purpose of considering arrangements for such a program.

¹ The Agreement, with the exception of paragraphs 4 and 5 thereof, came into force on 26 February 1975, in accordance with paragraph 13. Paragraphs 4 and 5 came into force on 1 April 1975, in accordance with the second sub-paragraph of paragraph 13 of the said Agreement.

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:

- 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 subparagraph *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 the 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 so that their aggregate catches of finfish and squid shall not exceed the national allocations agreed upon in the International Commission for the Northwest Atlantic Fisheries (ICNAF) in compliance with applicable ICNAF conservation measures and size limitations.
- f. The provisions of subparagraphs *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 other than squid.

3. 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.

4. Recognizing that some incidental catch of living resources of the continental shelf is unavoidable in directed fisheries for other species when fishing gear operated in contact with the bottom is used, the Government of the Union of Soviet Socialist Republics, in order to protect and conserve the living resources of the United States continental shelf, agrees to take appropriate measures to:

- a. ensure that its nationals and vessels will:
- (i) Refrain from engaging in a directed fishery for any species of living resources of the United States continental shelf on or under the seabed or in waters above the continental shelf of the United States of America,

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

- (ii) When engaged in fishing or in fishing support activities in waters over the continental shelf of the United States of America, refrain from having on board any continental shelf fishery resources taken on the continental shelf of another country;
 - (iii) Avoid concentrations of living resources of the continental shelf and, when a concentration of such resources is encountered in the course of their fishing operations, take immediate steps to avoid the concentration in future operations;
 - (iv) When any incidental catch of continental shelf living resources is taken, immediately return those resources to the sea with a minimum of injury. The amount, species, position, dates, type of gear, time gear on bottom, and disposition of such incidental catch will promptly be recorded in the vessel's fishing log book;
 - (v) Allow and assist the boarding and inspection of their vessels using fishing gear being operated in contact with the bottom by enforcement officers of the United States for the purpose of ascertaining compliance with this agreement;
- b. reduce the use by its nationals and vessels of fishing gear operated in contact with the bottom in fisheries off the coast of the United States, and ensure that such gear is replaced with gear which does not generally come into contact with the bottom in normal use;
 - c. collect, in the same manner as catch data is collected for ICNAF, the data on the incidental catch and disposition of the living resources of the continental shelf of the United States by its nationals and vessels, and exchange such information with the Director of the Northeast Region of the United States National Marine Fisheries Service during the meetings provided for in paragraph 10 of this Agreement.

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 and to investigate conflicts when they are reported. This will include:

- a. For the American side, with respect to fixed fishing gear, development and use of improved marking and deployment practices, and timely notification of known locations of fixed fishing gear by transmission of daily radio messages to the Soviet fleet.
- b. For the Soviet side:
 - (i) Acknowledgment of receipt of the daily fixed fishing gear notifications described in subparagraph *a* above.
 - (ii) Notice to American authorities of areas of concentration of the Soviet fishing fleet in the vicinity of locations of fixed gear. This notification shall be accomplished in the form of a daily response to the fixed gear notification by American authorities and shall include current locations of the Soviet fleet as well as its inspection vessels.
 - (iii) Additional precautionary measures by Soviet vessels to avoid fishing operations that could damage the fixed gear set by United States fishermen engaged in a specialized fishery for the living resources of the continental shelf.
- c. For both sides:
 - (i) If a vessel is operating in or near a fixed gear area in such a manner as to indicate to competent authorities of either country that a conflict is likely to occur, the above mentioned authorities shall take prompt steps to prevent the potential conflict. This will include, where possible, communicating information and warnings concerning the potential danger of conflict to the vessels involved

and to any inspector of the other Government known to be in the vicinity or a designated authority of the other Government. The appropriate fishing or fishery support vessels should also communicate directly following the customary international radio communication procedures.

- (ii) When a conflict has occurred, either side shall immediately notify the appropriate authorities of the other side. Both sides shall ensure that prompt and thorough investigations are made by appropriate inspectors for their own side. These investigations should be made on the site of the incident when possible. On a voluntary basis, the investigation may be conducted jointly by inspectors of both sides. The invitation to the inspector of the other side will be extended by the inspector of the flag State upon the request of the master in charge of a fishing vessel involved in the conflict. The results of these investigations shall be provided to the American-Soviet Fisheries Claims Board for use in case a claim arising out of the conflict is brought before the Board.

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"

8. 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, New York, and Boston as indicated in subparagraph *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 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 subparagraph *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 subparagraph, 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 subparagraph *b* or *c* above shall specify if shore leave is requested under such a multiple entry visa.
- d. 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.
- e. 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 of America.
- f. 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 Director of the Northeast Region of the United States National Marine Fisheries Service and the Chief of the joint fleet expeditions of the Main Administration's ZAPRYBA. The arrangements for these visits shall be made by the Regional Director in the first and third calendar quarters and the Chief of the joint fleet expeditions in the second and fourth calendar quarters. The communications necessary to initiate the arrangements for these meetings will be made in the first month of each quarter. Each side will inform the other side at least two weeks before the visit of subjects it wishes discussed. Additional meetings may be requested by either side as may be necessary.

11. The Scheme of Joint International 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, except where enforcement is otherwise provided for in this Agreement. Nothing in this paragraph is intended to modify

the mandatory application of the Scheme of Joint International 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 of America.

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 at Copenhagen on June 21, 1973.¹

The present Agreement shall enter into force on February 26, 1975, except that paragraphs 4 and 5 of this Agreement shall enter into force April 1, 1975, until which date paragraph 3 of the aforementioned Agreement signed at Copenhagen June 21, 1973, shall remain in force. The present Agreement shall remain in force through December 31, 1975.

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 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 shall meet to discuss possible future arrangements.

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

DONE in Washington, February 26, 1975, in duplicate, in English and Russian, both texts being equally authentic.

For the Government of the United States of America:

[Signed — Signé]²

For the Government of the Union of Soviet Socialist Republics:

[Signed — Signé]³

¹ United Nations, *Treaty Series*, vol. 917, p. 65.

² Signed by Dixy Lee Ray — Signé par Dixy Lee Ray.

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

RELATED LETTERS

I

February 26, 1975

Excellency:

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 Boston, Baltimore, New York and Philadelphia must be received at least four days in advance of port entry. Notice of visits of fishing 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 "Coast Guard Headquarters, 6th and D Streets S.W., Washington, D.C., Telex number 89-2427;" or (2) via TWX using address "Coast Guard Headquarters, 6th and D Streets S.W., Washington, D.C., TWX number 710-822-1959;" 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.

Sincerely yours,

[Signed]

WILLIAM L. SULLIVAN, Jr.
Acting Chairman of the Delegation
of the United States of America

His Excellency Vladimir M. Kamentsev
Chairman of the Delegation
of the Union of Soviet Socialist Republics

II

February 26, 1975

Excellency:

I wish to inform you that the Government of the United States of America considers that the Agreement concerning Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean concluded today between our Governments will as of April 1, 1975, constitute a completely satisfactory agreement concerning conservation of the living resources of the United States Continental Shelf under the terms of the Department of State's Circular Note of December 5, 1974.

Sincerely yours,

[Signed]

WILLIAM L. SULLIVAN, Jr.
Acting Chairman of the Delegation
of the United States of America

His Excellency Vladimir M. Kamentsev
Chairman of the Delegation
of the Union of Soviet Socialist Republics

ENTRY INTO FORCE OF PARAGRAPHS 4 AND 5 OF THE AGREEMENT OF 26 FEBRUARY 1975 BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN

Paragraphs 4 and 5 of the Agreement of 26 February 1975 came into force on 1 April 1975, in accordance with the second subparagraph of paragraph 13 of the said Agreement.

ENTRÉE EN VIGUEUR DES PARAGRAPHS 4 ET 5 DE L'ACCORD DU 26 FÉVRIER 1975 ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES RELATIF À CERTAINES QUESTIONS POSÉES PAR L'EXERCICE DE LA PÊCHE HAUTURIÈRE DANS LA PARTIE CENTRE-OUEST DE L'OCÉAN ATLANTIQUE

Les paragraphes 4 et 5 de l'Accord du 26 février 1975 sont entrés en vigueur le 1^{er} avril 1975, conformément au deuxième alinéa du paragraphe 13 dudit Accord.
