

No. 16279

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 annex and related letters). Signed at Washington on 1 March 1976

Entry into force of articles II, VI, VII and X of the above-mentioned Agreement

Authentic texts of the Agreement and annex: English and Russian.

Authentic texts of the related letters: English.

The Agreement and the certified statement were registered by the United States of America on 27 January 1978.

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

Accord relatif à certaines questions posées par l'exercice de la pêche hauturière dans la partie occidentale de l'océan Atlantique moyen (avec annexe et lettres connexes). Signé à Washington le 1^{er} mars 1976

Entrée en vigueur des articles II, VI, VII et X de l'Accord susmentionné

Textes authentiques de l'Accord et l'annexe : anglais et russe.

Textes authentiques des lettres connexes : anglais.

L'Accord et la déclaration certifiée ont été enregistrés par les États-Unis d'Amérique le 27 janvier 1978.

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:

Article I. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to take measures to organize and expand scientific and technical fisheries research of interest to both Parties. Such research will be conducted according to national programs as well as mutually agreed programs.

1. The competent agencies of both Governments shall ensure the following:

- (a) the taking of measures to convert, preferably in 1976, their present statistical collection procedures to provide a finer breakdown of catch (including bycatch) and effort statistics according to 30 by 30 minute areas and semimonthly time periods using the new STATLANT forms as recommended by the International Commission for the Northwest Atlantic Fisheries (ICNAF);
- (b) a substantial increase in the biological sampling, over and above the ICNAF minimum requirements, with emphasis on the length-age-species composition of catches, and consistent with all the major elements of the procedures for collection of scientific samples outlined in the annex to this Agreement;
- (c) exchange of biological sampling data on length-age-species composition (in the form of individual sample records) on a quarterly basis;
- (d) the facilitation of meetings of scientists and specialists of both countries as well as the participation of the scientists and specialists of one country in fishery research conducted by the vessels of the other country, including cooperative research on relevant fisheries problems by the institutions responsible for fisheries research in the area off the Atlantic coast of the United States of America, and exchanges of scientific personnel between these institutions; and

¹ The Agreement, with the exception of articles II, VI, VII and X thereof, came into force on 1 March 1976 by signature, in accordance with article XIII.

(e) a continuous exchange of scientific, technical, and general fishery publications between appropriate fishery organizations of the United States of America and the Union of Soviet Socialist Republics.

2. Each Government shall take the appropriate measures to assure close cooperation among specialized institutions in the field of fishery research.

Article II. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of rebuilding and conserving fish stocks, will take appropriate measures to ensure that their nationals and vessels will:

1. Refrain from fishing during the period from January 1 through April 30, to ensure access of certain species to spawning grounds and to protect certain winter concentrations of scup, flounders and other species, in the area bounded by straight lines connecting the points having the following coordinates:

<i>North latitude</i>	<i>West longitude</i>
40°05'	71°40'
39°50'	71°40'
37°50'	74°00'
37°10'	74°29'
36°30'	74°40'
36°30'	74°48'
37°10'	74°48'
37°50'	74°25'
38°24'	73°44'
39°40'	72°32'

2. Refrain from fishing during the period from February 1 through March 31, to protect pre-spawning concentrations of river herring, in an area adjacent to the coast of the United States of America south of 37°30' north latitude, north of 35° north latitude and west of a line connecting the points having the following coordinates:

<i>North latitude</i>	<i>West longitude</i>
35°00'	74°48'
37°10'	74°48'
37°30'	74°38'

3. Refrain from conducting specialized fisheries in all instances for scup (*Stenotomus chrysops* (L.)), bluefish (*Pomatomus saltatrix* (L.)), flounders (*Paralichthys dentatus* (L.), "summer"); (*Pseudopleuronectes americanus* (Walb.), "winter"); (*Limanda ferruginea* (Storer), "yellowtail"), menhaden (*Brevoortia tyrannus* (Latrobe)), black sea bass (*Centropristes striatus* (L.)), and river herring (*Alosa pseudoharengus* (Wils.), "alewife") (*Alosa aestivalis* (Mitch.), "blueback") in the waters situated west and south of subarea 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries¹ and north of the parallel of 34° north latitude, which area shall be referred to hereafter as the area covered by this Agreement. Notwithstanding the above, for menhaden the southern boundary of the area shall be the parallel of 30° north latitude.

4. Limit, in the area described in paragraph 3 of this article, their incidental catch of scup, bluefish, flounders, menhaden and black sea bass to a maximum total of 300 metric tons per annum, provided that no more than one third of such incidental catch shall be of any one of the species mentioned above. Incidental catch is that catch taken unintentionally when conducting specialized fisheries for other species.

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

5. In the area covered by this Agreement:

- (a) limit their incidental catch of river herring (*Alosa aestivalis*, *A. pseudoharengus*)
 - (1) to a maximum total of 210 metric tons for all vessels per annum; and
 - (2) to a maximum total per fishing vessel of 10 metric tons per annum;
- (b) in the event the maximum limit for all vessels per annum in subparagraph 5, a (1), above is reached, refrain from fishing for the remainder of the year in the area adjacent to the coast of the United States of America south of the parallel of 39° north latitude, north of the parallel of 35° north latitude and west of a line connecting the points having the following coordinates:

<i>North latitude</i>	<i>West longitude</i>
35° 00'	74° 48'
37° 10'	74° 48'
37° 50'	74° 25'
38° 24'	73° 44'
39° 00'	73° 11'

provided that any individual vessel reaching the designated limit in subparagraph 5, a (2), above shall thereafter refrain from fishing for the remainder of the year in this area.

6. Refrain from using fishing gear other than pelagic fishing gear (purse seines, or true midwater trawls using trawl doors incapable of being fished on the bottom) and from attaching any protective device to pelagic fishing gear or employing any means which would, in effect, make it possible to fish for demersal species in the area covered by this Agreement.

The provisions of paragraphs 1 through 6 of this article shall not apply to vessels under 130 feet in length nor to vessels fishing for crustacea or molluscs other than squid.

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

Article IV. Recognizing that some incidental catch of living resources of the continental shelf is unavoidable in directed fisheries for other species, 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:

1. Ensure that its nationals and vessels will:
 - (a) refrain from engaging in a directed fishery for any species of living resources of the continental shelf on or under the seabed or in waters above the continental shelf of the United States of America;
 - (b) 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;
 - (c) 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 measures to avoid the concentration in future operations;
 - (d) when any incidental catch of continental shelf living resources is taken, return those resources to the sea, in the process of sorting each haul, without delay,

with a minimum of injury, and record, after each haul, in the vessel's fishing log-book the amount, species, position, dates, type of gear, time gear towed, and disposition of such incidental catch;

(e) allow and assist the boarding and inspection of their vessels by enforcement officers of the United States of America, provided that this subparagraph shall not apply to vessels using pelagic gear not being operated in contact with the bottom.

2. 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 of America 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 article X of this Agreement.

3. 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 of America and ensure that such gear is replaced with gear which does not generally come into contact with the bottom in normal use.

Article V. 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 off the coast of the United States of America and mobile fishing gear and to investigate conflicts when they are reported. This will include:

1. For the American side, with respect to fixed fishing gear, development and use of improved marking and deployment practices, and timely notification of coordinates of known locations of fixed fishing gear by transmission of daily radio messages to the Soviet fleet, consistent with annex II to the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Relating to Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, signed at Moscow on February 21, 1973.¹

2. For the Soviet side:

a. Acknowledgment of receipt of the daily fixed fishing gear notifications described in paragraph 1 above.

b. 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.

c. 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.

3. For both sides:

a. 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

¹ United Nations, *Treaty Series*, vol. 938, p. 38.

the other Government. The appropriate fishing or fishery support vessels should also communicate directly following the customary international radio communication procedures.

b. When a conflict has occurred, either side shall immediately notify the appropriate authorities of the other side. Each side shall independently ensure that prompt and thorough investigations are made by appropriate inspectors of 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 result 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.

Article VI. 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:

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

<i>North latitude</i>	<i>West longitude</i>
40° 44'	72° 27'
40° 38'	72° 27'
40° 33'	72° 46'
40° 33'	72° 53'
40° 37'	72° 53'

2. 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"

3. Soviet fishing vessels may conduct the loading operations provided for in this article with other Soviet vessels and vessels of other States with which the United States of America maintains diplomatic relations, provided the latter vessels are under charter or contract to a Soviet fisheries organization for such loading operations.

Article VII. In order to facilitate the operation of this Agreement, the Government of the Union of Soviet Socialist Republics will take appropriate measures to ensure that Soviet fishing or fisheries support vessels or vessels chartered by Soviet fisheries organizations shall notify the United States Coast Guard Communications Station Boston call sign NMF or Portsmouth call sign NMN before entry into a loading area provided for in Article VI of this Agreement. In the case of a chartered vessel such notification shall be given at least 3 days in advance.

Article VIII. 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:

1. 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 article I of this Agreement.

2. Entry into the Ports of Baltimore, Philadelphia, New York, and Boston, as indicated in paragraph 1 above, shall be permitted subject to four days' advance notice of the planned entry to the appropriate authority.

3. The Government of the United States of America and its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months for multiple entry into United States ports pursuant to paragraph 1 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 of America. 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 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 the preceding paragraph shall specify if shore leave is requested under such multiple entry visa.

4. Entry of all vessels into the ports referred to in paragraph 1 above may be to replenish ships' stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, obtain repairs and other services normally provided in such ports, and re-exchange appropriate personnel of the ships' crews as may be necessary to facilitate repairs, all in accordance with applicable rules and regulations.

5. 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.

6. Each of the above provisions in this article may be modified by mutual consent at any time.

Article IX. 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.

Article X. Both Governments will take appropriate measures to ensure:

1. Regular visits of fisheries officials 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.

2. Mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the Western areas of the Middle Atlantic.

3. 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 com-

munications 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.

4. Exchanges between appropriate Soviet officials and the Regional Director of the United States National Marine Fisheries Service Northeast Region in Gloucester, Massachusetts, on a monthly basis, of provisional catch data for species taken in the area covered by this Agreement. Such exchanges may take place at the meetings provided for in paragraph 1 of this article.

5. Exchange of information providing the names of appropriate officials in the area covered by this Agreement, and the procedures for establishing radio communications between them, to receive and respond to reports of infringements of the provisions of this Agreement, arrange for the investigation of gear conflicts, and be able to discuss problems of mutual interest relating to the conduct of fishing operations in the area covered by this Agreement.

Article XI. 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 article 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.

Article XII. 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.

Article XIII. 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 Washington on February 26, 1975.¹

The present Agreement shall enter into force on March 1, 1976, except that articles II, VI, VII and X of this Agreement shall enter into force April 1, 1976, until which date paragraphs 2, 6, 7 and 10 of the aforementioned Agreement signed at Washington February 26, 1975, shall remain in force. The present Agreement shall remain in force through April 30, 1977.

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.

¹ United Nations, *Treaty Series*, vol. 992, p. 206.

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

DONE in Washington, March 1, 1976, in duplicate, in the English and Russian languages, 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

A N N E X

PROCEDURES FOR COLLECTION OF SCIENTIFIC SAMPLES

This annex defines minimum sampling and data acquisition procedures which in conjunction with appropriate statistics on catch and effort will assure an adequate and standardized basis for unbiased estimates of numbers of fish caught, by species, length, age and sex. The actual numbers of samples are not specified here but will depend on the specific guidelines on rate of sampling adopted for a given fishery. In order to achieve a sampling rate significantly greater than the minimum ICNAF sampling requirements of one sample per 1,000 tons, it is necessary to provide sufficient numbers of trained sampling specialists aboard Soviet commercial vessels and in ports of the United States of America. American specialists will be available to demonstrate the sampling procedures outlined in this annex aboard Soviet vessels in the area covered by this Agreement.

1. *Length-age-composition samples*

a. Samples should be taken separately for each gear type (e.g., pelagic trawl, purse seine) and fishing method (e.g., midwater pelagic trawling) combination every month for which fishing is pursued in any 30 by 30 minute area throughout the area covered by this Agreement. One sample should be taken for every 1,000 tons or fraction thereof within the above categories.

b. Data to be recorded in each sample:

- vessel classification;
- method of fishing, e.g., pelagic;
- specific type of trawl, including reference to its construction;
- mesh sizes;
- catch in tons, of the species in the sampled trawl haul;
- total weight of all fish sampled;
- duration and time of day of haul;
- date;
- latitude and longitude of haul.

c. Sampling procedures:

(1) Species for which the catch is sorted:

- (a) from a single net haul, 4 random samples of approximately 50 fish each should be taken (for species with less than 200 fish in a single trawl haul accumulate samples over trawl hauls until approximately 200 fish are taken);
- (b) measure each fish to nearest centimeter, except for herring where the measurement will be the total length to the nearest centimeter below (as in ICNAF methods);

¹ Signed by Rozanne L. Ridgway — Signé par Rozanne L. Ridgway.

² Signed by V. M. Kamentsev — Signé par V. M. Kamentsev.

- (c) a subsample of one fish from each centimeter interval should be taken, scales and otoliths removed and the sex of mature individuals should be recorded.
 - (2) Species for which catch is not sorted:
 - (a) two random samples of approximately 30 kilos each should be taken from a single trawl haul;
 - (b) individual species should be sorted from the samples (for “river herring” this means separating alewife *Alosa pseudoharengus* from blueback *A. aestivalis*);
 - (c) biological information should be taken as described in subparagraphs (1) (b) and (c) above.

2. *Length-weight samples*

Individuals of one sample of each principal species of fish (i.e., species for which expected yearly catch in area covered by this Agreement is 500 or more tons) per month should be weighed in grams and measured in millimeters. Each sample should contain 10 fish per centimeter interval. The length range of fish may be accumulated if necessary from small samples taken over several catches and days. Sex shall be recorded for mature individuals.

RELATED LETTERS

I

March 1, 1976

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]

ROZANNE L. RIDGWAY
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

March 1, 1976

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, 1976, 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]

ROZANNE L. RIDGWAY
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 ARTICLES II, VI, VII AND X OF THE AGREEMENT OF 1 MARCH 1976¹ 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

Articles II, VI, VII and X of the Agreement of 1 March 1976 came into force on 1 April 1976, in accordance with article XIII of the said Agreement.

ENTRÉE EN VIGUEUR DES ARTICLES II, VI, VII ET X DE L'ACCORD DU 1^{ER} MARS 1976¹ ENTRE LE GOUVERNEMENT DES ETATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES RELATIF À CERTAINES QUESTIONS POSÉES PAR L'EXERCICE DE LA PÊCHE HAUTURIÈRE DANS LA PARTIE OCCIDENTALE DE L'OCÉAN ATLANTIQUE MOYEN

Les articles II, VI, VII et X de l'Accord du 1^{er} mars 1976 sont entrés en vigueur le 1^{er} avril 1976, conformément à l'article XIII dudit Accord.

¹ See p. 274 of this volume.

¹ Voir p. 294 du présent volume.