

No. 16924

**JAPAN
and
CHINA**

**Fishery Agreement (with annexes, exchange of notes and
agreed minutes). Signed at Tokyo on 15 August 1975**

Authentic texts: Japanese and Chinese.

Registered by Japan on 7 September 1978.

**JAPON
et
CHINE**

**Accord relatif aux pêcheries (avec annexes, échange de
notes et procès-verbal convenu). Signé à Tokyo le
15 août 1975**

Textes authentiques : japonais et chinois.

Enregistré par le Japon le 7 septembre 1978.

[TRANSLATION — TRADUCTION]

FISHERY AGREEMENT¹ BETWEEN THE PEOPLE'S REPUBLIC
OF CHINA AND JAPAN

The Government of the People's Republic of China and the Government of Japan,

In accordance with the joint statement issued on 29 September 1972 at Beijing by the Governments of the two States,

For the purposes of the protection and rational utilization of the fishery resources of the Yellow Sea and the East China Sea and the maintenance of order in normal maritime operations, have, after amicable consultations, reached the following agreement:

Article 1. 1. The waters to which this Agreement shall apply (hereinafter referred to as the "agreed waters") shall be those waters of the Yellow Sea and the East China Sea (exclusive of territorial waters) set out below:

- (1) East of the straight lines formed by the successive joining of the following co-ordinates:
 - (i) 39°45' north latitude, 124°9'12" east longitude;
 - (ii) 37°20' north latitude, 123°3' east latitude;
- (2) East of the straight lines formed by the successive joining of the following co-ordinates:
 - (i) 37°20' north latitude, 123°3' east longitude;
 - (ii) 36°48'10" north latitude, 122°44'30" east longitude;
 - (iii) 35°11' north latitude, 120°38' east longitude;
 - (iv) 30°44' north latitude, 123°25' east longitude;
 - (v) 29° north latitude, 122°45' east longitude;
 - (vi) 27°30' north latitude, 121°30' east longitude;
 - (vii) 27° north latitude, 121°10' east longitude;
- (3) North of 27° north latitude.

2. No provisions of this Agreement may be deemed prejudicial to the position of either Contracting Party with regard to its maritime jurisdiction.

Article 2. For the purposes of the protection and rational utilization of the fishery resources in the agreed waters, both Contracting Parties shall adopt the measures concerning motorized trawling set out in annex I of this Agreement.

Article 3. 1. Each Contracting Party shall agree to provide its own vessels with due guidance and supervision and to deal with any violations of this Agreement in order to ensure that its fleet scrupulously observes the provisions of annex I of this Agreement and to prevent the violation thereof.

¹ Came into force on 22 December 1975, i.e., the date of the exchange of notifications confirming the completion of the formalities required under its internal law, in accordance with article 8 (1).

2. A Contracting Party shall inform the other Contracting Party of the circumstances and facts of any violation by the latter Party of the provisions of annex I of this Agreement. The latter Party shall promptly inform the first Party of the settlement of the incident.

3. The fishing vessels of both Contracting Parties operating in the agreed waters shall co-operate to ensure the implementation of the provisions of this Agreement.

Article 4. Both Contracting Parties shall, for the purposes of navigational and operational safety, the maintenance of order in normal operations and the efficient and rapid handling of accidents at sea, adopt the necessary supervisory and other measures in respect of their own fishermen and vessels.

Article 5. 1. When a fishing vessel of either Contracting Party is wrecked or otherwise involved in an emergency situation in the coastal waters of the other Contracting Party, the latter Party shall speedily render assistance and rescue to the vessel and its crew and shall notify the proper authorities of the first Party of the situation as swiftly as possible.

2. When forced by inclement weather or other emergencies to seek shelter, the fishing vessels of either Contracting Party may, once they have contacted the proper department of the other Party, take shelter in one of the designated ports. Such vessels shall comply with the provisions of annex II of this Agreement and respect the pertinent statutes and norms of the other Contracting Party.

Article 6. 1. To achieve the objectives of this Agreement, both Contracting Parties shall establish the Sino-Japanese Joint Commission of Fishery (hereinafter referred to as the Commission). The Commission shall be constituted of three commissioners appointed by each of the two Contracting Party Governments.

2. All resolutions, recommendations and other decisions of the Commission shall be taken only by consensus reached by those of the commissioners of the two Parties present.

3. The Commission shall meet once a year, alternately at Beijing and Tokyo. *Ad hoc* meetings may be convened as necessary, subject to the agreement of both Contracting Parties.

4. The Commission shall have the following tasks:

- (1) Review the implementation of this Agreement;
- (2) When necessary, make recommendations to both Contracting Parties regarding the amendment of the annexes to this Agreement;
- (3) Exchange relevant fishery data and review the status of the fishery resources of the agreed waters;
- (4) The Commission may also, as necessary, study problems relating to such matters as the protection of the fishery resources in the agreed waters and may make recommendations to both Contracting Parties.

Article 7. 1. The annexes to this Agreement, including annexes amended in accordance with paragraph 2 of this article, constitute an integral part of this Agreement.

2. The Governments of both Contracting Parties may accept, by means of an exchange of notes, recommendations to amend the annexes to this Agreement made by the Commission in accordance with the second provision of paragraph 4 of article 6.

Article 8. 1. This Agreement shall enter into force as of the date on which the two States exchange notes confirming that each has completed the formalities required under its internal law for entry into force. This Agreement shall remain in force for a period of three years, after which time it will continue to remain in force until the declaration of termination specified in paragraph 2 of this article is made.

2. Upon expiration of the initial three-year period and thereafter, either Contracting Party may notify the other Contracting Party in writing of its intention to terminate this Agreement within three months.

IN WITNESS WHEREOF, the undersigned representatives, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, on 25 August 1975, in duplicate in the Chinese and Japanese languages, both texts being equally authentic.

For the Government
of the People's Republic of China:
CHEN CHU

For the Government
of Japan:
KIICHI MIYAZAWA

ANNEX I

In accordance with article 2 of this Agreement, both Contracting Parties shall adopt the following measures and provisions:

1. *Concerning motorized trawling (including single-vessel trawling)*

(1) No single fishing vessel having a main engine in excess of 600 horsepower may enter the waters bounded by the straight lines formed by the successive joining of the following co-ordinates to engage in motorized trawling:

- (i) 38° north latitude, 123°22' east longitude;
- (ii) 38° north latitude, 123°45' east longitude;
- (iii) 37° north latitude, 123°45' east longitude;
- (iv) 36°15' north latitude, 123°15' east longitude;
- (v) 36° north latitude, 122°30' east longitude;
- (vi) 35° north latitude, 122°30' east longitude;
- (vii) 32°30' north latitude, 124° east longitude;
- (viii) 32° north latitude, 125° east longitude;
- (ix) 29° north latitude, 125° east longitude;
- (x) 28° north latitude, 124°30' east longitude;
- (xi) 27° north latitude, 123° east longitude;
- (xii) 27° north latitude, 121° east longitude;

- (xiii) 27°30' north latitude, 121°30' east longitude;
- (xiv) 29° north latitude, 122°45' east longitude;
- (xv) 30°44' north latitude, 123°25' east longitude;
- (xvi) 35°11' north latitude, 120°38' east longitude;
- (xvii) 36°48'10" north latitude, 122°44'30" east longitude;
- (xviii) 37°20' north latitude, 123°30' east longitude;
- (xix) 38° north latitude, 123°22' east longitude.

(2) During the periods specified for each of the suspended-fishing zones listed below, no vessels may enter those zones to engage in motorized trawling:

(i) *First suspended-fishing zone*

Location: the waters bounded by the straight lines formed by the successive joining of the following co-ordinates:

- (a) 38° north latitude, 123°22' east longitude;
- (b) 38° north latitude, 123°30' east longitude;
- (c) 36°15' north latitude, 123°30' east longitude;
- (d) 36°15' north latitude, 122°01' east longitude;
- (e) 36°48'10" north latitude, 122°44'30" east longitude;
- (f) 37°20' north latitude, 123°03' east longitude;
- (g) 38° north latitude, 123°22' east longitude;

Period: 15 February to 15 April;

(ii) *Second suspended-fishing zone*

Location: the waters bounded by the straight lines formed by the successive joining of the following co-ordinates:

- (a) 36°15' north latitude, 122°01' east longitude;
- (b) 34° north latitude, 122°01' east longitude;
- (c) 34° north latitude, 121°23' east longitude;
- (d) 35°11' north latitude, 120°38' east longitude;
- (e) 36°15' north latitude, 122°01' east longitude;

Period: 1 September to 30 November.

(3) During the periods specified for each of the following protected zones the number of fishing vessels entering those zones to engage in motorized trawling may not exceed the maximum number of operating vessels set by the Governments of the two Contracting Parties:

(i) *First protected zone*

Location: the waters bounded by the straight lines formed by the successive joining of the following co-ordinates:

- (a) 34° north latitude, 123°15' east longitude;
- (b) 34° north latitude, 124°30' east longitude;
- (c) 33° north latitude, 124°30' east longitude;
- (d) 33° north latitude, 123°15' east longitude;
- (e) 34° north latitude, 123°15' east longitude;

Period: 1 December to the last day of February of the following year;

(ii) *Second protected zone*

Location: the waters bounded by the straight lines formed by the successive joining of the following co-ordinates:

- (a) 31°30' north latitude, 122°57' east longitude;
- (b) 31°30' north latitude, 123°30' east longitude;
- (c) 30°44' north latitude, 123°45' east longitude;
- (d) 30° north latitude, 123°30' east longitude;
- (e) 30° north latitude, 123°08' east longitude;
- (f) 30°44' north latitude, 123°25' east longitude;
- (g) 31°30' north latitude, 122°57' east longitude;

Period: 1 April to 31 May;

(iii) *Third protected zone*

Location: the waters bounded by the straight lines formed by the successive joining of the following co-ordinates:

- (a) 29°30' north latitude, 122°56'30" east longitude;
- (b) 29°30' north latitude, 123°20' east longitude;
- (c) 29° north latitude, 123°10' east longitude;
- (d) 28° north latitude, 122°30' east longitude;
- (e) 28° north latitude, 121°55' east longitude;
- (f) 29° north latitude, 122°45' east longitude;
- (g) 29°30' north latitude, 122°56'30" east longitude;

Period: 1 March to 30 April.

(4) Vessels engaged in motorized trawling may not fish for young fish; when they encounter dense concentrations of young fish, they should change fishing grounds. For any species, the proportion of young fish in a single catch shall not exceed 20 per cent of the total catch.

The following provisions shall apply to young fish:

- (i) The length of yellow croakers, from tip of mouth to caudal fin, shall not exceed 19 centimetres;
- (ii) The length of ribbonfish, from tip of mouth to anus, shall not exceed 23 centimetres.

(5) The mesh (hereinafter understood to mean the inside diameter once it has shrunk after immersion in water) and length of the nets used in motorized trawling shall meet the following standards.

- (i) The mesh of the cod end and flap shall not be less than 54 millimetres; for all other parts of the net, the mesh shall not be less than 65 millimetres;
- (ii) The length of bag nets shall not exceed 200 meshes.

2. *Concerning motorized purse-seining with lamps*

(1) No single vessel having an engine in excess of 660 horsepower may enter the waters specified in section 1 (1) of this annex to engage in purse-seining with lamps.

(2) Measures whose provisions shall be determined by the Governments of the two Contracting Parties shall be adopted to cover that portion of the waters specified in section 2 (1) lying north of 32° north latitude (referred to as the first protected zone).

(3) The number of vessels engaged in purse-seining with lamps in that part of the waters specified in section 2 (1) lying south of 32° north latitude (referred to as the second protected zone) may not exceed the maximum number of vessels and units set by the Governments of the two Contracting Parties for the period from 1 August to 31 December.

(4) Vessels entering the waters specified in section 2 (1) to engage in purse-seining with lamps shall be divided into units of one trawler and two lamp boats. The combined luminous intensity of the lamps used by each lamp boat to attract fish may not exceed 10,000 candle power.

(5) Vessels engaged in purse-seining with lamps in the waters specified in section 2 (1) may not catch young fish. The proportion of young fish in the catch of each net may not exceed 15 per cent; if there is any excess, it shall be promptly returned to the sea and the vessel must change fishing grounds.

The following provisions apply to young fish:

- (i) The length of chub mackerel (hereinafter understood to be the length from tip of mouth to fork in tail) shall not exceed 22 centimetres;
- (ii) The length of horse-mackerel shall not exceed 20 centimetres;
- (iii) The length of round scad shall not exceed 18 centimetres.

(6) The mesh of nets used for purse-seining with lamps in the waters specified in section 2 (1) shall have a diameter in excess of 35 millimetres.

ANNEX II

The following provisions are made for the implementation of paragraph 2 of article 5, of this Agreement:

1. *Ports of shelter*

(1) The Government of the People's Republic of China designates these ports as shelters of Japanese fishing vessels: Wenzhou Harbour; Wusong entrance to Shanghai Harbour; Lianyungang; Qingdao Harbour.

(2) The Government of Japan designates these ports as shelters for fishing vessels of the People's Republic of China: Izuhara Harbour; Hakata Harbour; Tamanoura Harbour; Yamakawa Harbour.

(3) When a fishing vessel of either Contracting Party is unable, because of exceptional circumstances, to enter the harbours designated in paragraphs 1 or 2, it may sail on to take shelter in another designated port once the reason for doing so has been communicated to the proper department of the other Contracting Party.

2. *Liaison departments*

(1) Fishing vessels of the People's Republic of China shall contact the Seventh and Tenth Regional Maritime Safety Headquarters of the Japanese Maritime Safety Agency.

(2) Japanese fishing vessels shall contact the Harbour Superintendency Administration of the People's Republic of China at Wenzhou Harbour, Shanghai Harbour, Lianyungang or Qingdao Harbour.

3. *Information to be communicated*

Information should be communicated regarding name of vessel; call letters; current position; port of registration; gross tonnage; captain's name; number of crew; desired place of shelter; scheduled time of arrival; and reason for seeking shelter.

4. *Methods of contact*

(1) Fishing vessels of the People's Republic of China shall use one of the methods listed below when contacting the Japanese department concerned:

(i) Contact may be made through the radio stations of the Seventh or Tenth Maritime Safety Headquarters or through the Nagasaki telegraph office. The call letters of these radio stations are as follows:

- Seventh Regional Maritime Safety Headquarters radio station, JNR;
- Tenth Regional Maritime Safety Headquarters radio station, JNJ;
- Nagasaki telegraph office, JOS.

(ii) An international plain-code telegram may be sent in Japanese or English. The telegraphic address of the relevant departments are as follows:

- Seventh Regional Maritime Safety Headquarters, Seventhrmsh Kitakyushu;
- Tenth Regional Maritime Safety Headquarters, Tenthrmsh Kagoshima.

(2) Japanese fishing vessels shall use one of the following methods when contacting the relevant department of the People's Republic of China:

(i) Contact may be made through the Wenzhou, Shanghai or Qingdao coastal radio stations. The call letters of these coastal radio stations are as follows:

- Wenzhou coastal radio station, XSO;
- Shanghai coastal radio station, XSG;
- Qingdao coastal radio station, XST.

(ii) An international plain-code telegram may be sent in Chinese or English. The telegraphic address of the relevant departments are as follows:

- Wenzhou Harbour Harbour Superintendency Administration, Wenzhou Harbour 8969;
- Shanghai Harbour Harbour Superintendency Administration, Shanghai Harbour 3966;
- Lianyungang Harbour Harbour Superintendency Administration, Lianyungang Harbour 3189;
- Qingdao Harbour Harbour Superintendency Administration, Qingdao Harbour 3263.

EXCHANGE OF NOTES

I

Sir,

On behalf of the Government of Japan, I have the honour to confirm the following understanding reached between the Governments of Japan and the People's Republic of China in connection with section 2 (2) of annex I of the Fishery Agreement between Japan and the People's Republic of China signed today.

In the first protected zone, given that the fish resources in the upper and middle layers of that zone are declining, protective measures shall continue to be adopted in respect of purse-seine fishing with lamps in that zone, and Japanese purse-seining vessels operating with lamps shall not enter that zone to fish at any time during the year.

I have the honour to request you to confirm the above understanding on behalf of your Government.

Tokyo, 15 August 1975

KIICHI MIYAZAWA
Minister for Foreign Affairs
of Japan

His Excellency Mr. Chen Chu
Ambassador and Plenipotentiary
of the People's Republic of China to Japan

II

Tokyo, 15 August 1975

Sir,

I have the honour to acknowledge receipt of your letter of today, which reads as follows:

[See note I]

On behalf of the Government of the People's Republic of China, I wish to confirm the understanding set forth in your letter.

Accept, Sir, the assurances of my highest consideration.

CHEN CHU
Ambassador and Plenipotentiary
of the People's Republic of China to Japan

His Excellency Mr. Kiichi Miyazawa
Minister for Foreign Affairs
of Japan

AGREED MINUTES

The representatives of the Government of the People's Republic of China and the Government of Japan have agreed to record the following in connection with the relevant provisions of the Fishery Agreement between the People's Republic of China and Japan (hereinafter referred to as the "Agreement") signed today:

1. *Concerning the number of vessels and units of both Contracting Parties operating in each protected zone*

(1) Under the provisions of section 1 (3) of annex I of this Agreement, the maximum number of vessels that may operate in a protected zone shall be:

—First protected zone:

- On the Chinese side, 120 vessels;
- On the Japanese side, 120 vessels;

—Second protected zone:

- On the Chinese side, 140 vessels;
- On the Japanese side, 80 vessels;

—Third protected zone:

- On the Chinese side, 150 vessels;
- On the Japanese side, 90 vessels.

(2) Under the provisions of section 2 (3) of annex I of this Agreement, the maximum number of units that may operate in the second protected zone shall be:

- On the Chinese side, 70 units;
- On the Japanese side, 25 units.

2. *Concerning the implementation of provisions relating to the size of the mesh of nets*

All nets used by both Contracting Parties in motorized trawling and purse-seine fishing involving the use of lamps, which do not conform to the provisions of sections 1 (5) and 2 (6) of annex I, shall be completely replaced within six months of the date on which this Agreement enters into force.

3. *Concerning the coastal fishing of both Contracting Parties*

The measures set out in annex I shall not apply to the fishing vessels of a Contracting Party operating in the coastal waters of that Party.

4. *Concerning the safety of operations*

For the purposes of the implementation of article 4 of this Agreement, the departments concerned in each Contracting Party shall guide relevant civilian organizations in their own country in the conclusion, as quickly as possible, of agreements between such organizations in both countries covering the following matters:

- (1) Marks and signals;
- (2) Matters to be observed during operations;
- (3) Matters to be observed when giving right of way to other vessels;
- (4) Matters to be observed while at anchor;
- (5) Conventional preventive measures to ensure the safety of operations;
- (6) Matters pertaining to the handling of accidents at sea.

Tokyo, 15 August 1975

CHEN

MIYAZAWA