

No. 16928

**JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning fishing off the sea frontage of the
USSR in the north-western part of the Pacific Ocean in
1977 (with annex). Signed at Moscow on 27 May 1977**

Authentic texts: Japanese and Russian.

Registered by Japan on 7 September 1978.

**JAPON
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord relatif à la pêche le long du littoral de l'URSS dans
le secteur nord-ouest de l'océan Pacifique pour
l'année 1977 (avec annexe). Signé à Moscou le 27 mai
1977**

Textes authentiques : japonais et russe.

Enregistré par le Japon le 7 septembre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FISHING OFF THE SEA FRONTAGE OF THE USSR IN THE NORTH-WESTERN PART OF THE PACIFIC OCEAN IN 1977

The Government of Japan and the Government of the Union of Soviet Socialist Republics,

Having regard to their common concern for the conservation and optimum exploitation of the fish resources of the north-western part of the Pacific Ocean,

Bearing in mind the discussion at the Third United Nations Conference on the Law of the Sea concerning the rights of coastal States with respect to fishing off their sea frontage,

Recognizing the sovereign rights of the USSR to living resources for purposes of their exploration, development and conservation, as stipulated in the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976,

Bearing in mind that Japanese nationals and fishing vessels have traditionally engaged in fishing off the sea frontage of the USSR in the north-western part of the Pacific Ocean,

Expressing the desire to develop mutually advantageous co-operation between Japan and the USSR in the field of fishing,

Desirous of establishing procedures and conditions for the exploitation of living resources of mutual concern over which the USSR exercises sovereign rights,

Have agreed as follows:

Article 1. The purpose of this Agreement is to establish the procedures and conditions under which Japanese nationals and fishing vessels may engage in fishing the marine areas of the north-western part of the Pacific Ocean adjacent to the sea frontage of the USSR, defined in accordance with article 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 entitled "Provisional measures for the conservation of living resources and the regulation of fishing in the marine areas adjacent to the sea frontage of the USSR" and in the decisions of the Government of the USSR.

Article 2. The right of Japanese nationals and fishing vessels to engage in the fishing referred to in article 1 shall be granted on the basis of the principle of mutual advantage, which provides for the maintenance of the rights of Soviet citizens and fishing vessels to continue their traditional fishing off the sea frontage of Japan.

¹ Came into force on 10 June 1977, the date of the exchange of the diplomatic instruments confirming that it had been approved in accordance with the procedures established by the national legislation of each of the Contracting Parties, in accordance with article 9.

Article 3. In this Agreement:

1. The term “living resources” means stocks of all fish species in the marine areas referred to in article 1, and stocks of all anadromous fish species which spawn in fresh waters in the USSR and migrate to the ocean waters, as well as all living organisms of the sedentary species on the continental shelf of the USSR.

2. The term “fish” means all finfish, molluscs, crustacea and other forms of marine flora and fauna with the exception of birds.

3. The term “fishing” means:

- (a) The catching of fish;
- (b) The attempt to catch fish;
- (c) Other activity from which the catching of fish may reasonably be expected;
- (d) Operations at sea which are immediately subsidiary or preparatory to the activity referred to in subparagraphs (a)-(c).

4. The term “fishing vessel” means a vessel or other floating device which is used, or is equipped to be used, for any of the following purposes:

- (a) Fishing;
- (b) Operations connected with fishing, including preparations for fishing; delivery of supplies to vessels; storage, transport and processing of fish; and loading and unloading operations.

This definition does not include Japanese fishing vessels engaging in scientific research related to fishing under a special permit issued by the competent Soviet organizations.

Article 4. 1. The size and species composition of the quota of catch allotted to Japan in 1977 and the specific zones and conditions for the conduct of fishing by Japanese nationals and fishing vessels established by the competent Soviet organizations within the marine areas referred to in article 1 shall be indicated in letters exchanged between the competent Japanese and Soviet organizations, the said exchange to take place on the day of signature of this Agreement.

2. The quota of catch for 1977 referred to in paragraph 1 shall include fish caught by Japanese fishing vessels during March 1977 in the marine areas referred to in article 1.

Article 5. 1. The competent Soviet authorities shall issue Japanese fishing vessels desiring to fish in the marine areas referred to in article 1 permits to do so. Japanese fishing vessels shall not be permitted to fish in the marine areas referred to in article 1 without such permits.

2. The procedures governing the submission of applications for and the issuance of the permits referred to in paragraph 1, for the submission of information regarding Japanese fishing and for the keeping of a fishing log on board Japanese fishing vessels, is indicated in the annex to this Agreement, which shall form an integral part of it.

3. The competent Soviet authorities may receive reasonable compensation for issuing the permits referred to in paragraph 1.

Article 6. The Government of Japan shall ensure that Japanese nationals and fishing vessels comply with the provisions of this Agreement, as well as with the regulations and decrees issued in the USSR for the purpose of conserving the living resources and regulating fishing in the marine areas referred to in article 1. Japanese nationals and fishing vessels failing to comply with the said provisions or regulations and decrees shall be held responsible under Soviet law.

Article 7. 1. The Government of Japan shall ensure that officials designated by the competent Soviet authorities are permitted to board without let or hindrance any Japanese fishing vessel fishing in accordance with this Agreement and holding the permit referred to in article 5, paragraph 1, and that while such officials are on board the captain and the crew of the fishing vessel shall co-operate with them in carrying out an inspection, including the taking of measures to eliminate violations uncovered as a result of the inspection.

2. The Government of Japan shall ensure that the competent Soviet authorities are compensated for expenses arising out of the stay on board Japanese fishing vessels of the Soviet officials referred to in paragraph 1.

3. In the event that Japanese fishing vessels are detained by competent Soviet authorities, the Government of Japan shall be immediately informed through the diplomatic channel. Detained fishing vessels and crew members shall be released immediately upon payment of a reasonable deposit or other guarantee.

Article 8. Nothing in this Agreement shall be deemed to prejudice the positions or views of the two Governments with regard to such matters relating to the law of the sea as are under consideration by the Third United Nations Conference on the Law of the Sea, or with regard to matters concerning the relations between them.

Article 9. 1. This Agreement shall be subject to approval in accordance with the procedures established by the national legislation of each of the Contracting Parties.

2. This Agreement shall enter into force on the day of the exchange of the diplomatic instruments confirming that it has been approved, and it shall remain in force until 31 December 1977.

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

DONE at Moscow on 27 May 1977, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

ZENKO SUZUKI

AKIRA SHIGEMITSU

For the Government of the Union
of Soviet Socialist Republics:

A. ISHKOV

ANNEX

The submission of applications and the issuance to Japanese fishing vessels of permits to fish in 1977 for living resources over which the USSR has sovereign rights, the sub-

mission of information regarding such fishing and the keeping of a fishing log shall take place in accordance with the procedures and conditions set forth below.

1. The competent Japanese authorities shall submit to the competent Soviet authorities applications for the issuance of permits to Japanese fishing vessels that wish to fish in accordance with this Agreement. Such applications shall be submitted in the form agreed upon between the competent authorities of the two Parties. The procedure for drawing up and submitting applications shall be established by the competent Soviet authorities.

2. The competent Soviet authorities shall review the applications and in accordance with the conditions set forth in this Agreement shall decide whether to issue Japanese fishing vessels with permits to fish in the marine areas referred to in article 1 of this Agreement. The procedure for issuing the permits shall be established by the competent Soviet authorities.

3. In the event of refusal to issue a permit, the competent Soviet authorities shall inform the competent Japanese authorities accordingly. If necessary, the competent authorities of the two Parties may hold consultations on the subject. Following such consultations the competent Japanese authorities may resubmit the applications.

4. Officials of the competent Soviet authorities may suspend permits issued to Japanese fishing vessels if they violate the terms of this Agreement. The competent Soviet authorities may revoke permits issued to Japanese fishing vessels if they violate the terms of this Agreement.

5. When fishing in the marine areas referred to in article 1 of this Agreement all Japanese fishing vessels must always have on board the permits issued to them.

6. If the captain of the vessel is replaced or the number of crew members is changed, the competent Japanese authorities shall within 10 days notify the fact to the competent Soviet authorities which issued the permit.

7. The Japanese Party shall communicate to the Dabryba Society (Vladivostok, USSR) by radio or by telegraph, in the form agreed upon between the competent authorities of the two Parties, information, covering 10-day periods, concerning fishing in the marine areas referred to in article 1 of this Agreement, and shall send by post monthly reports on fishing in the said marine areas, in the Japanese and Russian languages, in the form agreed upon between the competent authorities of the two Parties. The said information covering 10-day periods and the monthly reports shall be submitted to the competent Soviet authorities within five and 10 days, respectively, of the end of the reporting periods.

8. When fishing in the marine areas referred to in article 1 of this Agreement, Japanese fishing vessels which have been issued with permits shall be required to keep a log in the form agreed upon between the competent authorities of the two Parties.