

**No. 18123**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
NEW ZEALAND**

**Agreement on fisheries (with exchanges of letters). Signed at  
Wellington on 4 April 1978**

*Authentic texts: Russian and English.*

*Registered by the Union of Soviet Socialist Republics on 27 November 1979.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
NOUVELLE-ZÉLANDE**

**Accord relatif aux pêcheries (avec échanges de lettres).  
Signé à Wellington le 4 avril 1978**

*Textes authentiques : russe et anglais.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 27 novembre  
1979.*

## AGREEMENT<sup>1</sup> ON FISHERIES BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF NEW ZEALAND

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The Government of the Union of Soviet Socialist Republics and the Government of New Zealand,

Recalling their concern for the rational management, conservation and utilisation of the living resources of the sea,

Noting the importance of these resources as a source of protein,

Recognising that the Government of New Zealand proposes, in accordance with relevant principles of international law, to exercise within a zone of 200 nautical miles sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources of that zone,

Taking into account the work of the Third United Nations Conference on the Law of the Sea,

Desirous of establishing terms and conditions under which their mutual fishery relations shall be conducted,

Taking into account their desire to promote cooperation in the field of fisheries,  
Have agreed as follows:

*Article I.* The Government of the Union of Soviet Socialist Republics and the Government of New Zealand undertake to ensure close cooperation between the two countries in matters relating to the conservation and utilisation of the living resources of the sea.

*Article II.* The Government of New Zealand undertakes to permit USSR vessels to fish within the area under New Zealand fisheries jurisdiction established by the New Zealand Territorial Sea and Exclusive Economic Zone Act 1977 (hereinafter referred to for the purposes of this Agreement as the New Zealand Zone) subject to the provisions of this Agreement, for allocations as appropriate of parts of total allowable catches surplus to the New Zealand harvesting capacity.

*Article III.* (1) The Government of New Zealand will, in the exercise of its sovereign rights, determine annually, subject to adjustment where necessary to meet unforeseen circumstances, with respect to the living resources within the New Zealand Zone:

- (a) The total allowable catch for individual fisheries or parts of fisheries;
- (b) The New Zealand harvesting capacity in respect of such fisheries; and
- (c) The allocation for USSR vessels of parts of surpluses of fisheries, or parts of fisheries.

(2) The Government of New Zealand shall give to the Government of the Union of Soviet Socialist Republics as much notice as possible of decisions taken pursuant to paragraph (1) of this article.

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<sup>1</sup> Came into force on 4 April 1978 by signature, in accordance with article XII (1).

(3) In order to fish for allocations pursuant to paragraph (1)(c) above, USSR vessels shall obtain licences in accordance with New Zealand law.

*Article IV.* (1) The Government of the Union of Soviet Socialist Republics shall take measures to ensure:

- (a) That its nationals and fishing vessels refrain from fishing for living resources in the New Zealand Zone unless licensed in accordance with New Zealand law;
- (b) That all vessels licensed to fish in the New Zealand Zone comply with relevant New Zealand laws and regulations, the provisions of this Agreement and the terms and conditions established in their licences;
- (c) That all fishing vessels allow and assist boarding by competent New Zealand officials for the purposes of inspection or enforcement;
- (d) That all fishing vessels comply at all times with instructions given by any New Zealand Government Agency, vessel or aircraft.

(2) In the case of enforcement action taken in accordance with New Zealand laws relating to fisheries, the Government of New Zealand will give prompt notification through diplomatic channels informing the Government of the Union of Soviet Socialist Republics of the measures taken and any penalty imposed in accordance with such laws.

*Article V.* The Government of the Union of Soviet Socialist Republics shall ensure that all necessary measures are taken to ensure prompt and adequate compensation to the New Zealand Government or New Zealand citizens for any loss or damage for which USSR fishing vessels licensed in accordance with article III of this Agreement have been responsible while in the New Zealand Zone for the purpose of fisheries operations.

*Article VI.* The Government of the Union of Soviet Socialist Republics and the Government of New Zealand agree to cooperate directly or through appropriate international organisations in ensuring the proper management and conservation of the marine living resources beyond the limits of the New Zealand Zone, including areas immediately adjacent to it.

*Article VII.* The Government of the Union of Soviet Socialist Republics shall ensure that its nationals and vessels will refrain in accordance with New Zealand law from harassing, hunting, capturing or killing any marine mammal in the New Zealand Zone, unless specifically authorised by the Government of New Zealand.

*Article VIII.* (1) The Government of the Union of Soviet Socialist Republics agrees to cooperate with the Government of New Zealand in the planning and conduct of scientific research for the purposes of managing and conserving the living resources in the New Zealand Zone.

(2) The Government of the Union of Soviet Socialist Republics shall make available to the Government of New Zealand such statistical and biological information as may be required from time to time by the Government of New Zealand for the purposes of managing and conserving the living resources in the New Zealand Zone.

*Article IX.* (1) The Government of the Union of Soviet Socialist Republics and the Government of New Zealand shall hold periodic bilateral consultations

regarding the implementation of this Agreement and shall examine the possibility of developing further cooperation in the field of fisheries. In particular, they shall consider future bilateral cooperation in respect of:

- (a) Cooperative arrangements, including, as appropriate, and subject to the requirements of New Zealand law, joint ventures, for the catching, utilisation, processing and marketing of living resources from the New Zealand Zone;
- (b) The expansion of markets, including improved market access, for fish and fish products originating in New Zealand;
- (c) Cooperative arrangements in respect of fishery resources of mutual interest outside the New Zealand Zone including coordination of effort and cooperation in respect of the fishery resources of the sub-Antarctic and, consistently with the Antarctic Treaty, the Antarctic;
- (d) Arrangements for:
  - (i) The entry to New Zealand ports of USSR fishing vessels licensed in accordance with article III of this Agreement,
  - (ii) Their provisioning, refuelling and repair, on a commercial basis, while in New Zealand ports, and
  - (iii) The replacement of their crews by air through flights to and from New Zealand;
- (e) The extension, at the discretion of the Government of New Zealand, of the facilities referred to in point (d) above, to other USSR fishing vessels;
- (f) Arrangements for the Ministry of Fisheries of the Union of Soviet Socialist Republics to be represented in New Zealand, subject to such conditions as may be determined by the Government of New Zealand, to assist in the implementation of this Agreement including arrangements made pursuant to this article;
- (g) Such other matters as may be agreed.

(2) The Government of New Zealand, in the exercise of its sovereign rights under article III of this Agreement, will take into consideration all relevant factors including, *inter alia*, New Zealand interests, the development of cooperation between the two Governments pursuant to this Agreement and the record of Soviet fishing for living resources off the coast of New Zealand prior to signature of this Agreement.

*Article X.* (1) For the purposes of this Agreement and without prejudice to the positions of the Government of the Union of Soviet Socialist Republics and the Government of New Zealand with regard to the application of the relevant resolutions of the United Nations General Assembly concerning the Cook Islands, Niue and Tokelau, the Government of the Union of Soviet Socialist Republics will take measures to ensure that its nationals and vessels comply with laws relating to fisheries which are in force from time to time in respect of waters under the jurisdiction of the Cook Islands, Niue, and Tokelau.

(2) Without prejudice to the provisions of paragraph (1) of this article, this Agreement shall not apply to the Cook Islands, Niue or Tokelau.

*Article XI.* The present Agreement shall be without prejudice to other existing Agreements between the two Governments or to existing multilateral Conventions to which the two Governments are party or to the views of either Government with regard to the Law of the Sea.

*Article XII.* (1) This Agreement will enter into force on the date of signature.

(2) This Agreement will remain in force until 30 June 1982 unless terminated by either Government by giving notification of such termination twelve months in advance.

IN WITNESS WHEREOF, the undersigned, duly authorised by their respective Governments for this purpose, have signed this Agreement.

DONE at Wellington on this 4 day of April 1978 in two copies in the English and Russian languages, both texts being equally authentic.

For the Government  
of the Union of Soviet  
Socialist Republics:

[Signed — Signé]<sup>1</sup>

For the Government  
of New Zealand:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by A. Ishkov — Signé par A. Ichkov.

<sup>2</sup> Signed by B. E. Talboys — Signé par B. E. Talboys.

## IIa

Wellington, 4 April 1978

Your Excellency,

I have the honour to refer to your letter of 4 April 1978 concerning paragraph (1) of article III of the Agreement on fisheries we have signed today which reads as follows:

“I have the honour to refer to the Agreement on fisheries between the Government of the Union of Soviet Socialist Republics and the Government of New Zealand we have signed today, paragraph (1) of article III which states that determinations made by the Government of New Zealand in the exercise of its sovereign rights may be adjusted when necessary to meet unforeseen circumstances.

It is the Soviet Government's understanding that the ‘unforeseen circumstances’ referred to in this Agreement are circumstances affecting the fish stocks.

I have the honour to suggest that this letter and Your Excellency's reply should constitute an agreement concerning the interpretation of the words ‘unforeseen circumstances’.

Please accept, Your Excellency, an assurance of my highest consideration.”

I am glad to confirm that my Government shares the understanding concerning the interpretation of the words “unforeseen circumstances” stated in your letter and agrees that Your Excellency's letter and this reply should constitute an agreement concerning the interpretation of the words “unforeseen circumstances”.

Please accept, Your Excellency, an assurance of my highest consideration.

[Signed — Signé]<sup>1</sup>

Minister of Foreign Affairs

His Excellency A. A. Ishkov  
Minister of Fisheries of the Union  
of Soviet Socialist Republics

## Ib

[RUSSIAN TEXT — TEXTE RUSSE]

Веллингтон, 4 апреля 1978 года

Ваше Превосходительство,

По поручению Советского Правительства имею честь уведомить Вас, что в связи с Соглашением между Правительством Союза Советских Социалистических Республик и Правительством Новой Зеландии в области рыболовства, которое мы подписали сегодня, Правительство Союза Советских Социалистических Республик, принимая во внимание статью VI Соглашения, а также тот факт, что имеются два небольших участка моря, полностью окруженных новозеландской зоной, упомянутой в Соглашении, имеет честь сообщить, что

<sup>1</sup> Signed by Brian Talboys — Signé par Brian Talboys.

советские суда не будут осуществлять рыболовство в вышеназванных участках в период действия этого Соглашения.

Настоящее заявление не может рассматриваться как наносящее ущерб советской позиции, касающейся свободы рыболовства в открытом море.

Примите, Ваше Превосходительство, заверение в моем весьма высоком уважении.

[Signed — Signé]<sup>1</sup>

Министр рыбного хозяйства СССР

Его Превосходительству Г-ну Б.Э. Толбойзу  
Министру иностранных дел Новой Зеландии

[TRANSLATION — TRADUCTION]

Wellington, 4 April 1978

Your Excellency,

[See letter II b]

Please accept, etc.

[A. A. ISHKOV]

Minister of Fisheries of the Union  
of Soviet Socialist Republics

His Excellency B. E. Talboys  
Minister of Foreign Affairs  
of New Zealand

II b

Wellington, 4 April 1978

Your Excellency,

Thank you for your letter of 4 April 1978 concerning the two areas of sea fully enclosed by the New Zealand Zone which reads as follows:

“On the instruction of the Soviet Government I have the honour to inform you that in connection with the Agreement on fisheries between the Government of the Union of Soviet Socialist Republics and the Government of New Zealand we have signed today, the Government of the Soviet Socialist Republics, taking into account article VI of the Agreement as well as the fact that there are two small areas of sea completely enclosed by the New Zealand Zone mentioned in the Agreement, has the honour to advise that USSR vessels will not fish in the above-mentioned areas for the period the Agreement is in force.

<sup>1</sup> Signed by A. A. Ishkov — Signé par A. A. Ichkov.

This statement cannot be considered as prejudicial to the Soviet position regarding freedom of fishing on the high seas.

Please accept, Your Excellency, an assurance of my highest consideration.”

I am grateful for the assurance contained in Your Excellency's letter and appreciate your Government's cooperation in this matter.

Please accept, Your Excellency, an assurance of my highest consideration.

[Signed — Signé]<sup>1</sup>

Minister of Foreign Affairs

His Excellency A. A. Ishkov  
Minister of Fisheries of the Union  
of Soviet Socialist Republics

Ic

Wellington, 4 April 1978

Your Excellency,

With reference to the consultations which have taken place between representatives of our two Governments relating to the implementation of article IX of the Agreement on fisheries between the Government of New Zealand and the Government of the Union of Soviet Socialist Republics signed on 4 April 1978, I have the honour to make the following proposals:

(1) The Government of New Zealand undertakes:

- (a) To authorise licensed USSR fishing vessels to enter designated New Zealand ports, in accordance with New Zealand laws, regulations and administrative requirements, for the purpose of provisioning, refuelling or effecting repairs, on a commercial basis, and such other purposes as may be determined by the Government of New Zealand, subject to the availability of facilities and the needs of New Zealand vessels;
- (b) To authorise the replacement by air through flights by designated routes and carriers to and from designated airports in New Zealand, in accordance with New Zealand laws, regulations and administrative requirements, of the crews of licensed USSR fishing vessels;
- (c) To permit, subject to such conditions as may be determined by the Government of New Zealand, the Ministry of Fisheries of the Union of Soviet Socialist Republics to be represented in New Zealand to assist in the implementation of the Agreement on fisheries between the Government of New Zealand and the Government of the Union of Soviet Socialist Republics, including arrangements made pursuant to article IX of that Agreement.

(2) The Government of the Union of Soviet Socialist Republics undertakes to ensure compliance by its nationals and vessels with the New Zealand laws, regulations and administrative requirements relevant to the implementation of paragraph (1) above.

I have the honour to suggest that this letter and your reply should constitute an agreement between our two Governments and that this Agreement should enter into

<sup>1</sup> Signed by Brian Talboys — Signé par Brian Talboys.



force from the date of your reply and should remain in force until twelve months following the giving of notice in writing of its termination by either Government.

Please accept, Your Excellency, an assurance of my highest consideration.

[Signed — Signé]<sup>1</sup>

Minister of Foreign Affairs

His Excellency A. A. Ishkov  
Minister of Fisheries of the Union  
of Soviet Socialist Republics

Ис

[RUSSIAN TEXT — TEXTE RUSSE]

Веллингтон, 4 апреля 1978 года

Ваше Превосходительство,

Благодарю Вас за Ваше письмо от 4 апреля 1978 г., в котором говорится следующее:

«Ссылаясь на консультации, имевшие место между представителями обоих Правительств относительно выполнения статьи IX Соглашения между Правительством Новой Зеландии и Правительством Союза Советских Социалистических Республик в области рыболовства, подписанного 4 апреля 1978 г., имею честь предложить следующее:

1. Правительство Новой Зеландии обязуется:

- a) разрешать на коммерческой основе советским рыболовным судам, имеющим лицензии, заходить в определенные порты Новой Зеландии в соответствии с новозеландскими законами, правилами и административными требованиями в целях пополнения запаса продовольствия, заправки топливом или осуществления ремонта и в других целях, которые могут быть определены Правительством Новой Зеландии в зависимости от наличия средств и с учетом потребностей новозеландских судов;
- b) разрешать осуществлять доставку экипажей советских рыболовных судов, имеющих лицензии, авиарейсами по определенным маршрутам и определенными самолетами в Новую Зеландию и обратно с определенных аэропортов и в соответствии с законами, правилами и административными требованиями Новой Зеландии;
- c) разрешить с учетом таких условий, которые могут быть определены Правительством Новой Зеландии, Министерству рыбного хозяйства Союза Советских Социалистических Республик быть представленным в Новой Зеландии для оказания содействия в реализации Соглашения в области рыболовства между Правительством Новой Зеландии и Правительством Союза Советских Социалистических Республик, включая договоренности согласно статье IX этого Соглашения.

2. Правительство Союза Советских Социалистических Республик обязуется обеспечить соблюдение его гражданами и судами законов, правил и административных требований Новой Зеландии, касающихся выполнения пункта 1 настоящего письма.

<sup>1</sup> Signed by Brian Talboys — Signé par Brian Talboys.

Я имею честь предложить, чтобы настоящее письмо и Ваш ответ составил договоренность между двумя Правительствами и чтобы эта договоренность вступила в силу с даты Вашего ответа и действовала до истечения двенадцати месяцев со дня направления письменного уведомления одним из Правительств о ее прекращении».

Я имею честь подтвердить, что предложения, содержащиеся в Вашем письме, приемлемы для Советского Правительства и что Ваше письмо и мой ответ составляют договоренность между двумя Правительствами и что эта договоренность вступит в силу с даты моего ответа и будет действовать до истечения двенадцати месяцев со дня направления письменного уведомления одним из Правительств о ее прекращении.

Примите, Ваше Превосходительство, заверение в моем весьма высоком уважении.

[Signed — Signé]<sup>1</sup>

Министр рыбного хозяйства СССР

Его Превосходительству Г-ну Б. Э. Толбойзу  
Министру иностранных дел Новой Зеландии

[TRANSLATION<sup>2</sup> — TRADUCTION<sup>3</sup>]

Wellington, 4 April 1978

Your Excellency,

Thank you for your letter of 4 April 1978 which reads as follows:

[See letter 1c]

I have the honour to confirm that the proposals contained in your letter are acceptable to my Government and should constitute an agreement between our two Governments and that this agreement should enter into force from the date of this reply and should remain in force until twelve months following the giving of notice in writing of its termination by either Government.

Please accept, Your Excellency, an assurance of my highest consideration.

[A. A. ISHKOV]

Minister of Fisheries of the Union  
of Soviet Socialist Republics

His Excellency B. E. Talboys  
Minister of Foreign Affairs  
of New Zealand

<sup>1</sup> Signed by A. A. Ishkov — Signé par A. A. Ichkov.

<sup>2</sup> Translation supplied by the Government of New Zealand.

<sup>3</sup> Traduction fournie par le Gouvernement de la Nouvelle-Zélande.