

No. 19782

**JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Protocol on procedures and conditions for salmon fishing in
the north-west Pacific Ocean in 1978. Signed at Moscow
on 21 April 1978**

Authentic texts: Japanese and Russian.

Registered by Japan on 20 May 1981.

**JAPON
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Protocole concernant les procédures et les conditions rela-
tives à la pêche du saumon dans le secteur nord-ouest
du Pacifique en 1978. Signé à Moscou le 21 avril 1978**

Textes authentiques : japonais et russe.

Enregistré par le Japon le 20 mai 1981.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ ON PROCEDURES AND CONDITIONS FOR SALMON FISHING IN THE NORTH-WEST PACIFIC OCEAN IN 1978

The Government of Japan and the Government of the Union of Soviet Socialist Republics, in accordance with the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of Japan on co-operation in the field of fisheries, signed at Moscow on 21 April 1978,² have agreed as follows:

1. The purpose of this Protocol is to define the procedures and conditions for salmon fishing in the north-west Pacific Ocean beyond the 200-mile coastal water areas, taking into account the provisions of the Japanese Act of 2 May 1977 on provisional measures relating to fishing areas and of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 on “provisional measures to protect living resources and regulate fishing in the sea areas contiguous to the coast of the Union of Soviet Socialist Republics”.

2. The joint measures for the regulation of salmon fishing in the north-west Pacific Ocean beyond the 200-mile coastal water areas shall be as follows:

(1) Salmon fishing shall be prohibited in the area bounded on the east by the line of 170° east longitude, on the south by the line of 44° north latitude, and on the west and north by the lines of the 200-mile coastal water areas of the USSR and the United States of America.

(2) The size of the catch in the north-west Pacific Ocean beyond the 200-mile coastal water areas shall not exceed 28,000 tons (19.8 million fish) out of the total annual catch of salmon in the north-west Pacific Ocean beyond the 200 mile coastal water areas of the USSR prescribed for Japan in 1978, which constitutes 42,500 tons (32.8 million fish).

Within the aforementioned limit, the size of the Siberian salmon catch shall not exceed 4.3 million fish (a deviation of up to 10 per cent shall be permitted), and the size of the red Siberian salmon catch shall not exceed 1.6 million fish (a deviation of up to 10 per cent shall be permitted).

(3) The catch referred to in subparagraph (2) may be taken during the period from 1 May to 31 July 1978.

(4) The length of the drift nets cast into the sea by a single fishing vessel shall not exceed 15 km, and in the case of small fishing vessels of less than 30 tons stationed in Japanese ports, 10 km.

The distance between sets of drift nets cast out by each fishing vessel shall be measured immediately after the nets are lowered into the sea. The distance between one set of nets and the sets closest to it in all directions shall be not less than:

—8 km for fishing vessels stationed with a parent vessel;

¹ Came into force on 28 April 1978, the date of the exchange of diplomatic notes indicating its approval in accordance with the internal legislation of both Contracting Parties, in conformity with paragraph 4.

² United Nations, *Treaty Series*, vol. 1154, No. I-18205.

- 6 km for fishing vessels of medium tonnage stationed in Japanese ports;
- 4 km for small fishing vessels of less than 30 tons stationed in Japanese ports.

(5) The mesh size (from knot to knot) of drift nets shall be as follows:

- In the case of vessels stationed with a parent vessel, not less than 60 mm, provided that, in the case of each set of drift nets in place in the water, not less than 60 per cent of the length of each such set of nets shall have a mesh size of not less than 65 mm;
- In the case of vessels stationed in Japanese ports, not less than 55 mm.

(6) Each fishing vessel shall have on board a permit or certificate issued by the competent Japanese authorities granting the right to conduct salmon fishing.

(7) The competent Japanese authorities shall inform the Soviet Union of the permits or certificates granting the right to conduct salmon fishing which have been issued.

(8) In the case of fishing vessels of medium tonnage stationed in Japanese ports, the catch size shall be determined separately for each vessel and shall be indicated in the permit or certificate referred to in subparagraph (6).

Where the catch size is redistributed among the separate fishing vessels within the limits of the total catch size established for fishing vessels of medium tonnage stationed in Japanese ports and reported to the Soviet Union, the competent Japanese authorities shall issue redistribution certificates to such fishing vessels and shall forthwith so inform the Soviet Union.

3. In order to ensure compliance with the provisions of this Protocol with respect to the type of fishing referred to in paragraph 1, the Governments of the two Contracting Parties shall take measures in the north-west Pacific Ocean beyond the 200-mile coastal water areas in accordance with the following provisions:

(1) A fishing vessel of one of the Contracting Parties conducting salmon fishing in accordance with the provisions of this Protocol may be boarded by a duly authorized official of the other Contracting Party for the purpose of inspecting equipment, the vessel's log-books, documents, the catch and other objects and of interrogating crew members in order to ensure compliance with the provisions of this Protocol. Such inspections and interrogations shall be conducted in such a way as to minimize interference with the fishing operations of the fishing vessel. The official shall produce the identification card issued to him by the competent body of the Contracting State to which he belongs.

(2) If a fishing vessel or a member of its crew is actually engaged in fishing operations in contravention of the provisions of this Protocol or if there are sufficient grounds for assuring that the vessel or crew member was actually engaged in such fishing operations up to the time when the official boarded the vessel, the official may detain the fishing vessel or arrest the crew member.

In such case, the Contracting State Party to which the official belongs shall forthwith report the detention or arrest to the other Contracting State Party to which the vessel or crew member belongs and shall also forthwith release the vessel or crew member at the place of such detention or arrest to an official of the Contracting State to which they belong, unless the two Contracting Parties have agreed on another place for their release. If, however, the Contracting

Party receiving the information aforesaid is unable to accept them immediately and so requests the other Contracting Party, the latter may keep the said vessel or crew member under surveillance according to conditions agreed upon by the two Contracting Parties.

(3) Authority to try cases arising in connection with this paragraph and to impose penalties in respect thereof shall rest exclusively with the competent authorities of the Contracting State to which the fishing vessel or crew member belongs. Documents and evidence attesting to the offence shall be submitted forthwith to the Contracting Party competent to conduct judicial proceedings for the trial of the offence.

(4) The Government of each Contracting Party shall take appropriate measures to ensure that a duly authorized official of the other Contracting Party is able to board without let or hindrance any fishing vessel conducting salmon fishing in accordance with the provisions of this Protocol, and that during his stay on board the crew members of the fishing vessel co-operate with him in the conduct of the inspection, including the taking of measures to eliminate violations discovered as a result of the inspection.

4. This Protocol shall be ratified in accordance with the procedures prescribed by the internal legislation of each of the Contracting Parties. This Protocol shall enter into force on the date of the exchange of the diplomatic documents giving notice of its ratification and shall remain in force until 31 December 1978.

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

DONE at Moscow on 21 April 1978, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

I. NAKAGAWA
A. SHIGEMITSU

For the Government of the Union
of Soviet Socialist Republics:

A. ISHKOV