

No. 19781

**JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS**

Agreement on fishing off the coast of Japan in 1977 (with annex and exchange of notes). Signed at Tokyo on 4 August 1977

Protocol extending the above-mentioned Agreement. Signed at Moscow on 16 December 1977

Protocol extending the above-mentioned Agreement of 4 August 1977. Signed at Tokyo on 15 December 1978

Authentic texts: Japanese and Russian.

Registered by Japan on 20 May 1981.

**JAPON
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Accord relatif à la pêche au large des côtes du Japon pendant l'année 1977 (avec annexe et échange de notes). Signé à Tokyo le 4 août 1977

Protocole prorogeant l'Accord susmentionné. Signé à Moscou le 16 décembre 1977

Protocole prorogeant l'Accord susmentionné du 4 août 1977. Signé à Tokyo le 15 décembre 1978

Textes authentiques : japonais et russe.

Enregistrés par le Japon le 20 mai 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST
REPUBLICS ON FISHING OFF THE COAST OF JAPAN 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 coasts,

Recognizing the jurisdiction of Japan over fishing on the basis of the Japanese Act of 2 May 1977 on provisional measures relating to fishing areas,

Bearing in mind the provisions of the Agreement 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, signed at Moscow on 27 May 1977,²

Bearing in mind that Soviet nationals and fishing vessels have traditionally engaged in fishing off the coast of Japan,

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 fishing activities of mutual concern in respect of which Japan exercises jurisdiction,

Have agreed as follows:

Article 1. The purpose of this Agreement is to establish the procedures and conditions under which Soviet nationals and fishing vessels may engage in fishing in the fishing areas defined in accordance with the Japanese Act of 2 May 1977 on provisional measures relating to fishing areas.

Article 2. In this Agreement:

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

2. 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 of sea which are immediately subsidiary or preparatory to the activity referred to in sub-paragraphs (a) and (b).

¹ Came into force on 9 December 1977, the day of the exchange of diplomatic notes confirming its ratification in concordance with the constitutional procedures of both Contracting Parties, in conformity with article 8.

² United Nations, *Treaty Series*, vol. 1103, p. 165.

This definition does not include fishing for the wide-ranging species listed in article 3 of the governmental decree on the entry into force of the Act on provisional measures relating to fishing areas of 17 June 1977.

3. 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 Soviet fishing vessels engaging in scientific research relating to fishing under special permits issued by the competent Japanese organizations.

Article 3. The size and species composition of the quota of catch allotted to the USSR in 1977 and the specific zones and conditions for the conduct of fishing by Soviet nationals and fishing vessels established by the competent Japanese organizations in the fishing 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 date of signature of this Agreement.

Article 4. 1. The competent Japanese organizations shall issue Soviet fishing vessels desiring to fish in the fishing areas referred to in article 1 with permits to do so. Soviet fishing vessels may not fish in the fishing areas referred to in article 1 without such permits.

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

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

Article 5. The Government of the USSR shall ensure that Soviet nationals and fishing vessels comply with the provisions of this Agreement, as well as with the laws and regulations issued in Japan for the purpose of conserving fish and regulating fishing in the fishing areas referred to in article 1. Soviet nationals and fishing vessels failing to comply with the said provisions or laws and regulations shall be held responsible under Japanese law.

Article 6. 1. The Government of the USSR shall ensure that officials designated by the competent Japanese organizations are permitted to board without let or hindrance any Soviet fishing vessel fishing in accordance with this Agreement and holding the permit referred to in article 4, paragraph 1, and that, while such officials are on board, the captain and the crew of the fishing vessel 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 the USSR shall ensure that the competent Japanese authorities are compensated for expenses arising out of the stay on board Soviet fishing vessels of the Japanese officials referred to in paragraph 1.

3. In the event that Soviet fishing vessels are detained by the competent Japanese authorities, the Government of the USSR 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 7. 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 8. 1. This Agreement shall be subject to ratification 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 date of the exchange of the diplomatic instruments confirming that it has been ratified, 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 Tokyo on 4 August 1977, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:
ICHIRO HATOYAMA
ZENKO SUZUKI

For the Government of the Union
of Soviet Socialist Republics:
A. ISHKOV

ANNEX

The submission of applications and the issue of permits referred to in article 4, paragraph 1, of this Agreement, the submission of information regarding Soviet fishing and the keeping of a fishing log on Soviet fishing vessels shall take place in accordance with the procedure and conditions set forth below.

1. The competent Soviet authorities shall submit to the competent Japanese organizations applications for the issue of permits to Soviet fishing vessels that wish to engage in fishing 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 Japanese authorities.

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

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

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

5. When fishing in the fishing areas referred to in article 1 of this Agreement all Soviet fishing vessels must carry the permits issued to them at all times, on the captain's bridge or in another suitable place.

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

7. The Soviet Union shall communicate to the competent Japanese authorities 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 fishing areas referred to in article 1 of this Agreement, and shall send by post monthly reports on fishing in the said fishing 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 Japanese authorities within 5 and 10 days, respectively, of the end of the reporting periods.

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

EXCHANGE OF NOTES

I

Tokyo, 4 August 1977

Sir,

In connection with the Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics on fishing off the coast of Japan in 1977, signed on 4 August 1977, I have the honour to confirm, on behalf of the Government of Japan, the following understanding reached between the two Governments:

In the period prior to the entry into force of the Agreement, the two Governments shall provisionally implement the provisions of the Agreement within the limits of the competence established in the domestic legislation of each of the Parties, as from 16 August 1977.

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

Accept, Sir, etc.

I. HATOYAMA
Minister for Foreign Affairs
of Japan

Mr. A. Ishkov
Minister of Fisheries of the USSR

II

Tokyo, 4 August 1977

Sir,

I have the honour to acknowledge receipt of your note of today's date, reading as follows:

[*See note I*]

On behalf of the Government of the USSR, I have the honour to confirm the understanding set forth in your letter.

Accept, Sir, etc.

A. ISHKOV
Minister of Fisheries
of the USSR

Mr. I. Hatoyama
Minister for Foreign Affairs of Japan

[TRANSLATION — TRADUCTION]

PROTOCOL¹ EXTENDING THE PERIOD OF VALIDITY OF THE
AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST
REPUBLICS ON FISHING OFF THE COAST OF JAPAN IN
1977²

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

Considering that the period of validity of the Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics on fishing off the coast of Japan in 1977,² signed at Tokyo on 4 August 1977, will expire on 31 December 1977,

Wishing to extend the period of validity of the Agreement,

Have agreed as follows:

Article 1. 1. The Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics on fishing off the coast of Japan in 1977, signed at Tokyo on 4 August 1977, shall be valid until 31 December 1978 with the amendments pertaining to such extension of the period of validity of the Agreement.

2. Representatives of the two Governments shall meet no later than 15 November 1978 and shall hold consultations on the question of the continued conduct of fishing by Soviet nationals and fishing vessels off the coast of Japan, including the procedure and conditions for such fishing.

Article 2. 1. This Protocol shall be subject to ratification in accordance with the procedures established by the national legislation of each of the Contracting Parties.

2. This Protocol shall enter into force on the date of the exchange of the diplomatic instruments confirming that it has been ratified.

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

DONE at Moscow on 16 December 1977, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

AKIRA SHIGEMITSU

For the Government of the Union
of Soviet Socialist Republics:

Y. BYSTROV

¹ Came into force on 23 December 1977, the date of the exchange of diplomatic notes confirming its ratification in accordance with the constitutional procedures of both Contracting Parties, in conformity with article 2.

² See p. 212 of this volume.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ EXTENDING THE PERIOD OF VALIDITY OF THE AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON FISHING OFF THE COAST OF JAPAN IN 1977²

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

Considering that the period of validity of the Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics on fishing off the coast of Japan in 1977,² signed at Tokyo on 4 August 1977, was extended by the Protocol signed at Moscow on 16 December 1977,³

Considering that its period of validity will expire on 31 December 1978,

Wishing further to extend the period of validity of the Agreement,

Have agreed as follows:

Article 1. 1. The Agreement between the Government of Japan and the Government of the Union of Soviet Socialist Republics on fishing off the coast of Japan in 1977, signed at Tokyo on 4 August 1977, shall be valid until 31 December 1979 with the amendments pertaining to such extension of the period of validity of the Agreement.

2. Representatives of the two Governments shall meet no later than 15 November 1979 and shall hold consultations on the question of the continued conduct of fishing by Soviet nationals and fishing vessels off the coast of Japan, including the procedure and conditions for such fishing.

Article 2. 1. This Protocol shall be subject to ratification in accordance with the procedures established by the national legislation of each of the Contracting Parties.

2. This Protocol shall enter into force on the date of the exchange of the diplomatic instruments confirming that it has been ratified.

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

DONE at Tokyo on 15 December 1978, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

SUNAO SONODA

For the Government of the Union
of Soviet Socialist Republics:

D. POLYANSKY

¹ Came into force on 26 December 1978, the date of the exchange of diplomatic notes indicating its approval in accordance with the constitutional procedures of both Contracting Parties, in conformity with article 2.

² See p. 212 of this volume.

³ See p. 217 of this volume.