

No. 21941

JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS

Protocol on procedures and conditions for Japanese salmon fishing in the north-west Pacific Ocean in 1979. Signed at Moscow on 21 April 1979

Authentic texts: Japanese and Russian.

Registered by Japan on 22 June 1983.

JAPON
et
UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

Protocole concernant les procédures et les conditions relatives à la pêche du saumon par des navires japonais dans le secteur nord-ouest du Pacifique en 1979. Signé à Moscou le 21 avril 1979

Textes authentiques : japonais et russe.

Enregistré par le Japon le 22 juin 1983.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ ON PROCEDURES AND CONDITIONS FOR JAPANESE SALMON FISHING IN THE NORTH-WEST PACIFIC OCEAN IN 1979

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

1. The purpose of this Protocol is to define the procedures and conditions for Japanese salmon fishing in water areas of the north-west Pacific Ocean outside 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 USSR", and taking into account the fact that the USSR will not conduct salmon fishing in water areas of the north-west Pacific Ocean outside the 200 mile coastal water areas in the year 1979.

2. The procedures and conditions for Japanese salmon fishing in water areas of the north-west Pacific Ocean beyond the 200 mile coastal water areas shall be as follows:

(1) Salmon fishing shall be prohibited in the water 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 Soviet Union and the United States.

(2) The size of the catch in water areas of the north-west Pacific Ocean outside the 200 mile coastal water areas shall not exceed 23,500 tons (18.8 million fish) out of the total annual catch of salmon in the water areas of the north-west Pacific Ocean outside the 200 mile coastal water areas of the Soviet Union prescribed for Japan in the year 1979, which constitutes 42,500 tons (36.4 million fish).

Within the aforementioned limit, the size of the Siberian salmon catch shall not exceed 3.8 million fish, the size of the red Siberian salmon catch — 1.1 million fish, and the size of the silver salmon catch — 1.2 million fish. A deviation of approximately 10 per cent shall be permitted for each of the species enumerated.

(3) The catch size referred to in subparagraph (2) may be taken during the period from 1 May to 31 July 1979. However, in the area bounded on the east by the line of 175° east longitude, on the south by the line of 44° north latitude, on the west by the line of 170° east longitude and on the north by the line of the 200 mile coastal water areas of the United States, fishing must be conducted during the period from 1 May to 15 June 1979.

(4) The length of drifter nets dropped 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.

¹ Came into force on 27 April 1979, the date of the exchange of the diplomatic notes by which the Contracting Parties informed each other that it had been approved pursuant to their respective legal procedures, in accordance with paragraph 4.

² United Nations, *Treaty Series*, vol. 1154, p. 173. See also *ibid.*, vol. 1225, No. 1-19782.

The distance between sets of drifter nets dropped by each fishing vessel shall be measured immediately after lowering the nets 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 mother ship;
- 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 drifter nets shall be as follows:

- In the case of vessels stationed with a mother ship not less than 60 mm, provided that, in the case of each set of drifter 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 Party 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 determined for fishing vessels of medium tonnage stationed in Japanese ports and reported to the Soviet Party, the competent Japanese authorities shall issue redistribution certificates to such fishing vessels and shall forthwith so inform the Soviet Party.

3. In order to ensure the observance of 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 water areas of the north-west Pacific Ocean outside 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 such fishing vessels. The said official shall produce the identification card issued to him by the competent body of the Contracting Party having jurisdiction over him.

(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 to assume that such vessel or crew member was actually engaged in such fishing operations up to the time when the said official boarded the vessel, the official may detain such fishing vessel or arrest such crew member.

In such case, the Contracting Party having jurisdiction over the official shall forthwith inform the Contracting Party having jurisdiction over the said vessel or crew member about the detention or arrest and shall also forthwith release the vessel

or crew member at the place of such detention or arrest to an official of the Contracting Party having jurisdiction over them, 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 vest exclusively in the competent authorities of the Contracting Party having jurisdiction over the said fishing vessel or crew member. Documents and evidence in support of the offence shall be submitted forthwith to the Contracting Party having jurisdiction in the judicial proceedings for the trial of the offence.

(4) The Government of the Contracting Party having jurisdiction over a fishing vessel conducting salmon fishing in accordance with the provisions of this Protocol shall take appropriate measures to ensure that a duly authorized official of the other Contracting Party is able to board such fishing vessel without hindrance and that during his stay on board the members of the crew of such fishing vessel cooperate 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 approved 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 approval and shall remain in force until 31 December 1979.

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

DONE in Moscow on 21 April 1979, in duplicate in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

T. UOMOTO

For the Government
of the Union of Soviet Socialist
Republics:

V. KAMENTSEV
