

No. 23450

**JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on co-operation in the field of fisheries. Signed
at Moscow on 12 May 1985**

Authentic texts: Japanese and Russian.

Registered by Japan on 10 July 1985.

**JAPON
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Accord de coopération en matière de pêche. Signé à Moscou
le 12 mai 1985**

Textes authentiques : japonais et russe.

Enregistré par le Japon le 10 juillet 1985.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST
REPUBLICS ON CO-OPERATION IN THE FIELD OF
FISHERIES

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

Considering their common interest in the conservation, reproduction, optimal utilization and management of living resources in the north-western part of the Pacific Ocean,

Taking into account the adoption of the United Nations Convention on the Law of the Sea,

Taking into account the relevant 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 28 February 1984 entitled "The Economic Zone of the USSR",

Having a common interest in promoting closer scientific and technological co-operation in the field of fisheries,

Considering the importance of scientific research in the field of fisheries for the conservation, reproduction, optimal utilization and management of living resources in the north-western part of the Pacific Ocean,

Expressing the desire to develop mutually advantageous co-operation in the field of fisheries,

Have agreed as follows:

Article I. The Contracting Parties shall develop mutually advantageous co-operation in the field of fisheries, including co-operation in the conservation, reproduction, optimal utilization and management of living resources in the north-western part of the Pacific Ocean.

Article II. 1. The Contracting Parties recognize that States in whose rivers anadromous stocks originate, hereinafter referred to as "the State of origin", shall have the primary interest in and responsibility for such stocks.

2. The Contracting Parties recognize that the State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing these stocks in all waters landward of the outer limits of its 200-mile zone and fishing these stocks beyond the 200-mile zone. The Contracting Parties also recognize that the State of origin may, after consultations with States fishing anadromous stocks originating in its rivers beyond the 200-mile zone on the basis of an agreement with it and with the State fishing these stocks into or through the waters landward of the outer limits

¹ Came into force on 13 May 1985, the date of an exchange of diplomatic notes confirming that it had been approved, in accordance with article IX (1).

of whose 200-mile zone such stocks migrate and which co-operates with the State of origin in the conservation and management of these stocks, establish total allowable catches for such stocks.

3. (1) The Contracting Parties recognize that anadromous stocks may be fished only in waters landward of the outer limits of the 200-mile zone, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to the fishing of anadromous stocks originating in the rivers of the USSR beyond the outer limits of the 200-mile zone, in the north-western part of the Pacific Ocean, the Contracting Parties shall maintain consultations with a view to achieving agreement on terms and conditions of such fishing by Japan, giving due regard to the conservation requirements and the needs of the USSR in respect of these stocks.

The Soviet side shall take into account the normal catch and the mode of operations of Japan in fishing anadromous stocks, and all the areas in which such fishing has occurred.

3. (2) Japan, which is participating by agreement with the USSR in measures to renew anadromous stocks originating in the rivers of the USSR, particularly by expenditures for that purpose, shall be given special consideration by the USSR in the harvesting of these stocks.

4. (1) The Contracting Parties recognize that enforcement of regulations regarding anadromous stocks beyond the 200-mile zone shall be by agreement between the State of origin and the other States concerned.

4. (2) Enforcement of regulations regarding anadromous stocks originating in the rivers of the USSR beyond the 200-mile zone in the north-western part of the Pacific Ocean shall be carried out by agreement between the Contracting Parties in accordance with the following provisions:

(a) Certificates permitting Japanese fishing vessels on the basis of the provisions of this article to engage in fishing anadromous stocks beyond the 200-mile zone in the north-western part of the Pacific Ocean shall be issued by the competent bodies of the Japanese Party. These competent bodies shall immediately inform the competent bodies of the Soviet Party of the names and characteristics of the fishing vessels to which such certificates have been issued, the certificate numbers and also other necessary data.

The competent bodies of the Soviet Party shall carry out, on the basis of the above-mentioned information, registration relating to such certificates.

(b) A duly authorized official of the Soviet Party may board a Japanese fishing vessel fishing anadromous stocks for the purpose of inspecting equipment, the holds, the vessel's log-books and other documents, the catch and other objects, and of interrogating crew members. In conducting such inspections and interrogations, the official shall produce the identification card issued to him by the competent body of the Soviet Party and shall minimize interference with the fishing operations of the said vessel.

(c) If a Japanese fishing vessel is actually engaged in fishing operations in contravention of the agreements relating to it under this article or if there are sufficient grounds to assume that the vessel was actually engaged in such fishing operations up to the time when the said official of the Soviet Party boarded the vessel, the official may detain the vessel.

In such case, the Soviet Party shall forthwith inform the Japanese Party about the detention of the fishing vessel, and the said official of the Soviet Party shall forthwith release the vessel together with its crew at the place of such detention to a duly authorized official of the Japanese Party, unless the two Contracting Parties have agreed otherwise on the release of such vessel.

(d) Jurisdiction to try cases arising in connection with a violation by Japanese fishing vessels of agreements relating to them under this article and to impose penalties in respect thereof shall be vested exclusively in the competent authorities of Japan. The Soviet Party shall submit forthwith to the Japanese Party documents and evidence in support of such violations.

(e) The Japanese Party shall inform the Soviet Party of measures taken by the authorities of Japan concerning violations by Japanese fishing vessels of agreements relating to them under this article.

(f) The Japanese Party shall take appropriate measures to ensure that the duly authorized official of the Soviet Party is permitted to board the Japanese fishing vessel without hindrance and that, while the official is on board, the members of the crew of the vessel shall co-operate with him in carrying out an inspection, including the taking of measures to eliminate violations uncovered as a result of the inspection.

(g) The competent bodies of the Japanese Party shall send to the competent bodies of the Soviet Party through agreed channels and within agreed periods information on the use by Japan of the quota of catch established for anadromous stocks.

5. The Japanese Party shall take the necessary measures to ensure that its nationals and fishing vessels comply with the agreements relating to them under this article beyond the 200-mile zone in the north-western part of the Pacific Ocean.

6. In cases where anadromous stocks originating in the rivers of a Contracting Party migrate into or through the waters landward of the outer limits of the 200-mile zone of the other Contracting Party, the latter Party shall co-operate with the former in the conservation and management of such stocks.

7. The Japanese Party shall provide opportunities for the temporary stay of scientific observers of the Soviet Party, under the conditions agreed upon between the Contracting Parties, on board Japanese fishing vessels fishing anadromous stocks beyond the 200-mile zone in the north-western part of the Pacific Ocean for the purpose of gathering scientific information on the fishing of anadromous stocks.

8. The Contracting Parties shall co-operate in conducting the scientific experiments necessary for the conservation, reproduction, optimal utilization and management of the anadromous stocks originating in the rivers of one of the Parties and also in drawing up and implementing joint programmes and exchanging data, including data on the origin of such stocks.

9. Each of the Contracting Parties, in the event that it becomes known that fishing vessels which do not belong to either Party are conducting fishing operations in respect of anadromous stocks originating in the rivers of the other Party beyond the 200-mile zone in the north-western part of the Pacific Ocean which are having an unfavourable effect on the conservation, reproduction, optimal utilization and management of such stocks, shall draw the attention of the other

Contracting Party to such fishing operations. The Contracting Parties shall, as necessary, conduct consultations on preventing such operations.

10. Agreements on the implementation of this article, including the agreements referred to in paragraph 3 and paragraph 4 (2), shall be included in the minutes of the meetings of the Japanese-Soviet Mixed Fisheries Commission referred to in article VII of this Agreement. The said agreements shall enter into force on the date of the exchange of the diplomatic notes confirming approval of the minutes by each of the Contracting Parties in accordance with the procedures prescribed by its internal legislation.

Article III. 1. The Contracting Parties shall co-operate in conducting scientific research in the field of fisheries, particularly scientific research necessary for the conservation, reproduction, optimal utilization and management of living resources in the north-western part of the Pacific Ocean.

The Contracting Parties shall co-operate in the holding, as necessary, of consultations of scientists and specialists on the co-ordination and conduct of the above-mentioned scientific research, the analysis and evaluation of its results, and the exchange of information related to fishing in the north-western part of the Pacific Ocean in which the Contracting Parties have a common interest.

2. The Contracting Parties shall co-operate in improving fishing techniques and methods, breeding and cultivation, and ways and means of processing, preserving and transporting living resources found in sea water and fresh water when this is in their common interest.

Article IV. The Contracting Parties shall, when appropriate, co-operate in the conservation and management of living resources beyond the 200-mile zone in the north-western part of the Pacific Ocean in which the Contracting Parties have a common interest, taking into account the most reliable scientific data available.

Article V. When it is in their common interest, the Contracting Parties shall hold consultations on questions relating to fisheries, including those concerning the conservation and optimal utilization of living resources, considered in international organizations of which the two Parties are members.

Article VI. When it is in their common interest, the Contracting Parties shall hold consultations on questions relating to co-operation in the field of fisheries between their organizations and enterprises within the framework of the corresponding laws and regulations of each of the Parties.

Article VII. 1. To achieve the purposes of this Agreement, the Contracting Parties shall establish a Japanese-Soviet Mixed Fisheries Commission, hereinafter referred to as the "Mixed Commission".

2. The Mixed Commission shall consist of one representative and no more than two alternates appointed by each Contracting Party.

3. The Mixed Commission shall meet at least once a year, alternately in the territory of each of the two countries. The general expenses connected with the holding of the meetings of the Mixed Commission shall be borne by the host Party.

4. The Mixed Commission shall hold consultations on questions relating to article II and shall also consider other matters concerning the implementation of this Agreement.

5. The results of the consultations on questions relating to article II and also the results of the consideration of other matters concerning the implementation of this Agreement shall be included in the minutes of the meetings of the Mixed Commission, which shall be adopted by agreement between the representatives of the Contracting Parties.

Article VIII. Nothing in this Agreement shall be deemed to prejudice the positions or views of the Contracting Parties on questions relating to the Law of the Sea.

Article IX. 1. This Agreement shall be subject to approval in accordance with the procedures established by the national legislation of each of the Parties. The Agreement shall enter into force on the date of the exchange of the diplomatic notes confirming that it has been approved, and shall remain in force until 31 December 1987.

2. This Agreement shall remain in force for successive periods of one year if neither Contracting Party gives written notice, not later than six months before the expiry of the Agreement, of its intention to terminate the Agreement.

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

DONE in Moscow on 12 May 1985, in duplicate, each in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

YASUE KATORI

For the Government
of the Union of Soviet
Socialist Republics:

V. KAMENTSEV