

No. 23449

JAPAN
and
UNION OF SOVIET SOCIALIST REPUBLICS

**Agreement on mutual relations in the field of fishing off
the sea frontages of both countries. Signed at Tokyo
on 7 December 1984**

Authentic texts: Japanese and Russian.

Registered by Japan on 10 July 1985.

JAPON
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES

**Accord relatif aux relations mutuelles en matière de pêche
au large des côtes des deux pays. Signé à Tokyo le
7 décembre 1984**

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 MUTUAL RELATIONS IN THE FIELD OF FISHING OFF THE SEA FRONTAGES OF BOTH COUNTRIES

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

Having regard to their common concern for the conservation and optimal utilization of the living resources of the north-western part of the Pacific Ocean,

Considering the adoption of the United Nations Convention on the Law of the Sea,

Recognizing the jurisdiction of Japan in regard to fishing on the basis of the Japanese Act of 2 May 1977 on Provisional Measures relating to Fishing Areas, and the sovereign rights of the USSR for purposes of the exploration, development, and conservation of living resources and their management on the basis of the Decree of the Presidium of the Supreme Soviet of the USSR of 28 February 1984 entitled "The Economic Zone of the USSR",

Considering the traditional relations between the two countries in the field of fishing, including relations based on 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 and 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 1977,³

Desiring to establish procedures and conditions concerning mutual relations in the field of fishing off the frontages of both countries in the north-western part of the Pacific Ocean,

Have agreed as follows:

Article 1. Each Contracting Party, proceeding from the principle of mutual advantage, shall allow, in accordance with its respective laws and regulations, the nationals and fishing vessels of the other Party to engage in fishing in a 200 mile zone adjacent to its frontage in the north-western part of the Pacific Ocean, hereinafter referred to as the "zone".

Article 2. Each Contracting Party shall determine for the fishing vessels of the other Party each year, subject to possible changes in the event of unforeseen circumstances, the quota of catch, the species composition of the catch, the fishing areas, and also specific conditions for the conduct of fishing operations by these said vessels in its zone.

¹ Came into force on 14 December 1984, the date of an exchange of diplomatic notes confirming that it had been approved, in accordance with article 8 (1).

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

³ *Ibid.*, vol. 1225, p. 179.

The relevant decision shall be taken following consultations held in the Japanese-Soviet Fisheries Commission mentioned in article 6 of this Agreement, each Party having due regard for the state of fish stocks, the possibilities of its fisheries, the traditional level and methods of fishing of the other Party and other pertinent factors.

Article 3. 1. The competent authorities of one Contracting Party shall submit to the competent authorities of the other Contracting Party applications for the issuance of permits for its fishing vessels desiring to engage in fishing in the zone of the other Party following the receipt from the competent authorities of that Party of a written notice of the decision referred to in article 2 of this Agreement. The competent authorities of each Contracting Party shall issue such permits in accordance with the provisions of this Agreement and their relevant laws and regulations.

2. The competent authorities of one Contracting Party shall inform the competent authorities of the other Contracting Party in writing of the rules relating to the conduct of the fishing referred to in article 1 of this Agreement, including the submission of applications, the issuance of permits and the keeping of a fishing log.

3. The competent authorities of each Contracting Party may receive reasonable compensation for issuing the permits.

Article 4. 1. Each Contracting Party shall take the necessary measures to ensure that its nationals and fishing vessels engaged in fishing in the zone of the other Party comply with the provisions designed to conserve the living resources and with other procedures and conditions laid down in the laws and regulations of that Party.

2. Each Contracting Party may take in its zone, in accordance with international law, the measures necessary to ensure compliance by the nationals and fishing vessels of the other Party with the provisions designed to conserve living resources and with other procedures and conditions laid down in its laws and regulations.

The competent authorities of each Contracting Party, in the event of the seizure or detention of the fishing vessels of the other Party, shall immediately notify that Party through the diplomatic channel of the measures taken and the subsequent penalty.

The detained fishing vessel and its crew members shall be released immediately upon payment of a reasonable deposit or other guarantee.

3. Each Contracting Party shall duly inform the other party in good time of measures taken to conserve the living resources and of other procedures and conditions laid down in its laws and regulations.

Article 5. The Contracting Parties shall co-operate in the conservation and optimal utilization of the living resources found in the zones of both countries.

Article 6. 1. To achieve the purposes of this Agreement, the Contracting Parties shall establish a Japanese-Soviet Fisheries Commission, hereinafter referred as the "Commission".

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

3. The 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 Commission shall be borne by the host Party.

4. The Commission shall hold consultations on questions relating to article 2 and shall also consider other matters concerning the implementation of this Agreement.

Article 7. Nothing in this Agreement shall be deemed to prejudice the positions or views of the Contracting Parties with regard to questions relating to the Law of the Sea or questions concerning the relations between them.

Article 8. 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 at Tokyo on 7 December 1984, in duplicate, each in the Japanese and Russian languages, both texts being equally authentic.

For the Government
of Japan:

SHINTARO ABE

For the Government
of the Union of Soviet
Socialist Republics:

V. PAVLOV