

**No. 27470**

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**AUSTRALIA  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement relating to cooperation in fisheries (with annexes).  
Signed at Canberra on 15 February 1990**

*Authentic texts: English and Russian.*

*Registered by Australia on 30 July 1990.*

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**AUSTRALIE  
et  
UNION DES RÉPUBLIQUES  
SOCIALISTES SOVIÉTIQUES**

**Accord relatif à la coopération en matière de pêcheries (avec  
annexes). Signé à Canberra le 15 février 1990**

*Textes authentiques : anglais et russe.*

*Enregistré par l'Australie le 30 juillet 1990.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO CO-OPERATION IN FISHERIES

The Government of Australia and the Government of the Union of Soviet Socialist Republics, hereinafter referred to as the Parties;

Taking into account developments in the International Law of the Sea, including the 1982 United Nations Convention on the Law of the Sea;<sup>2</sup>

Recognising that the Australian Party exercises, in accordance with international law, sovereign rights for the purposes of exploring and exploiting, conserving and managing living resources in the zone extending 200 nautical miles from the baselines from which the breadth of the territorial sea of Australia is measured, hereinafter referred to as "The Australian Fishing Zone";

Recalling their mutual interest in the rational management, conservation and optimum utilisation of the living resources of the sea;

Desirous of establishing the terms and conditions under which access shall be granted to Australian ports for USSR fishing vessels;

Desirous of establishing the terms and conditions under which USSR fishing vessels shall engage in feasibility fishing in the Australian Fishing Zone;

Being interested in the development of mutually beneficial economic, scientific and technological exchanges relating to fisheries matters;

Taking into account their desire further to develop friendly relations between Australia and the Union of Soviet Socialist Republics;

Have agreed as follows:

### *Article I*

In this Agreement:

1. "Designated Australian authority" means the agency of the Australian Party designated from time to time to the appropriate organisation of the Soviet Party through diplomatic channels; and

2. "USSR fishing vessel" means a vessel registered in the Union of Soviet Socialist Republics and flying its flag and which is:

- (a) Being used or equipped to be used for fishing;
- (b) Performing any activity relating to fishing including carrying or processing; or
- (c) Supporting one or more of the foregoing vessels at sea.

<sup>1</sup> Came into force on 15 February 1990 by signature, in accordance with article XVII (1).

<sup>2</sup> Not entered into force at the date of registration of the Agreement published herein. For the text of the Convention as adopted by the Conference, see Documents of the United Nations Conference on the Law of the Sea, A/CONF.62/122 and Corr.1 to 11 or United Nations publication Sales No. E.83.V.5.

### *Article II*

1. The Australian Party shall permit USSR fishing vessels to enter such port or ports as it may designate for the purposes of repairs, maintenance, provedoring, revictualling, crew changeovers, crew rest and such other purposes as the Parties may jointly decide.

2. Entry into port by USSR fishing vessels shall be in accordance with Australian law. Such entry shall be in accordance with the guidelines contained in Annex A to this Agreement.

3. The port or ports into which entry will be permitted shall be designated in an exchange of diplomatic notes.

4. Repairs, maintenance, provedoring and revictualling of USSR fishing vessels in Australian ports shall be carried out in accordance with the usual practices applying to other vessels in Australian ports.

5. The Australian Party may designate a separate port or ports for different activities under this Agreement.

### *Article III*

1. The Australian Party shall permit USSR fishing vessels to carry out feasibility fishing operations in areas of the Australian Fishing Zone. Unless the Parties otherwise agree, such feasibility fishing shall be carried out in accordance with this Agreement, a subsidiary agreement, Australian law and the procedures outlined in Annex B.

2. Areas of operation, fees and other conditions for any such feasibility fishing shall be contained in a subsidiary Agreement.

3. USSR fishing vessels shall not undertake activities related to fishing in the Australian Fishing Zone or Australian internal waters except as permitted under this Agreement.

### *Article IV*

1. The Parties shall facilitate co-operation in various matters relating to fisheries of mutual interest. They shall, at the request of either Party, examine proposals for co-operation in the following areas:

- (a) The conduct of scientific research for the purposes of the effective conservation and optimum utilization of the marine living resources within the Australian Fishing Zone;
- (b) Research on marine living resources in areas outside the Australian Fishing Zone;
- (c) Feasibility fishing, post harvest technology including processing of fish products, marketing and mariculture;
- (d) Exchanges and training of fisheries specialists, scientists and students;
- (e) Commercial co-operation in accordance with Article VIII of this Agreement.

2. The Parties shall co-operate directly or through appropriate international organizations with a view to assuring the conservation and management of marine living resources beyond the Australian Fishing Zone.

3. The Soviet Party shall make available to the Australian Party such statistical and biological information as may be required by the Australian Party for the purposes of managing and conserving the marine living resources within the Australian Fishing Zone.

#### *Article V*

The Soviet Party shall take appropriate measures to ensure that while any USSR fishing vessel is within the Australian Fishing Zone or Australian internal waters:

- (a) All fishing gear carried by the vessel is inboard, stowed and secured unless the vessel is undertaking fishing operations in accordance with this Agreement;
- (b) The vessel and its crew observe the terms of this Agreement and all relevant Australian law, including all law relating to the conservation and protection of marine mammals; and
- (c) That persons on board USSR fishing vessels facilitate boarding and comply with the instructions of duly authorised Australian officials for the purposes of enforcement of applicable Australian law.

#### *Article VI*

The Soviet Party shall, when requested by the Australian authorities, require USSR fishing vessels in the Australian Fishing Zone to carry up to three Australian marine scientific and fishing industry observers per vessel at any one time and to provide information on fishing operations to such observers. The cost of accommodation and meals for the Australian observers while on board USSR vessels shall be met by the Soviet Party.

#### *Article VII*

The appropriate authorities of the Soviet Party shall appoint an Australian citizen or Australian registered corporation as an agent in each port for which entry by USSR fishing vessels is permitted in order to provide administrative assistance. Those authorities shall provide to the designated Australian authority the names, addresses and telephone and telex numbers of all such agents.

#### *Article VIII*

1. The Parties, in accordance with their law, shall encourage contacts and facilitate co-operation on a commercial basis between their enterprises and organisations, in particular, in the establishing of joint ventures in fishing, processing and marketing of living marine resources.

2. An Australian joint venture with a Soviet partner may apply for access for fishing in the Australian Fishing Zone. The Australian Party shall consider any such application in accordance with its established policies and guidelines for the management and development of fisheries in the Australian Fishing Zone applicable to Australian joint ventures with partners from other countries.

#### *Article IX*

1. Subject to any applicable law relating to the import of fish into Australia, the Soviet Party may offer for sale to Australian commercial enterprises fish taken by USSR fishing vessels.

2. Export from Australia of fish or fish products taken by USSR fishing vessels shall be in accordance with applicable Australian law.

*Article X*

The Australian Party shall permit exchanges in Australia of the crews of USSR fishing vessels. Charter flights by aircraft of the Soviet Party may be used for this purpose in accordance with the conditions determined for such flights by the Australian Party.

*Article XI*

The Soviet Party shall take all necessary measures to ensure prompt and adequate settlement of any claim for loss or damage incurred by the Australian Party, Australian State authorities, organisations, corporations or citizens for which USSR fishing vessels are responsible while within the Australian Fishing Zone or Australian internal waters.

*Article XII*

1. All Australian law which, in accordance with relevant norms of international law, applies to fishing vessels and their crews in waters adjacent to Australia shall, consistent with this Agreement, apply to USSR fishing vessels and their crews.

2. In the case of enforcement action taken in accordance with Australian law relating to fisheries, the Australian Party shall give prompt notification through diplomatic channels informing the Soviet Party of the measures taken and any penalty imposed under such law and consistent with international law.

*Article XIII*

1. If a dispute arises between the Parties as to the interpretation or application of any of the provisions of this Agreement or of a subsidiary Agreement, the Parties shall settle it by consultation.

2. If a dispute arises in relation to the activities of a particular vessel, the Parties shall also settle it by consultation. The Australian Party may suspend the rights accorded to the vessel under this Agreement until the dispute is resolved.

3. Consultation under this Article shall be held promptly at the request of either Party.

*Article XIV*

For the purpose of facilitating the implementation of this Agreement and the development of co-operation under it, the Australian Party agrees to the appointment in Australia of a fisheries representative of the Union of Soviet Socialist Republics. As necessary, guidelines related to the work of the USSR fisheries representative in Australia shall be developed with Australian officials.

*Article XV*

The Parties shall hold periodic consultations regarding the implementation of the Agreement and future co-operation under it. Unless the Parties decide otherwise, such consultations shall be held once every year.

*Article XVI*

Nothing in this Agreement shall affect the rights and obligations of either Party under other treaties to which Australia and the Union of Soviet Socialist Republics are parties or to prejudice the position of either Party in regard to the 1982 United Nations Convention of the Law of the Sea.

*Article XVII*

1. This Agreement shall enter into force on signature.
2. This Agreement shall remain in force for a period of three years unless either Party gives the other notice through diplomatic channels of its intention to terminate it. The notice of termination shall take effect one year after the day on which it was given unless earlier withdrawn.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at Canberra this fifteenth day of February 1990, in duplicate, in the English and Russian languages, both texts being equally authoritative.

For the Government  
of Australia:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Union of Soviet  
Socialist Republics:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by J. Kerin — Signé par J. Kerin.

<sup>2</sup> Signed by S. A. Sitarian — Signé par S. A. Sitarian.

## ANNEX A

## PORT ENTRY BY USSR FISHING VESSELS

1. The Soviet Party shall, by not later than the last days of June and December in each year during which this Agreement is in force, provide the Australian Party with a list specifying the USSR fishing vessels for which applications for port entry may be made during the following six months and the month or months during which each listed vessel is expected to enter a port.

2. Not less than sixty days before the date on which it is proposed that a USSR fishing vessel enter an Australian port, the Embassy of the Union of Soviet Socialist Republics in Australia shall make a written application to the designated Australian authority.

3. Applications shall be made on a form to be provided by the designated Australian authority and shall specify the proposed port of entry and contain the following information:

- (a) Name and international radio call sign of vessel;
- (b) Description of vessel (size, colour, type, distinguishing symbol);
- (c) Quantity, species and general description of fish carried and general description of area where taken;
- (d) Proposed duration of stay in port;
- (e) Total number of crew and names of those proposing to go ashore;
- (f) Details of all communication equipment (including transmitters and receivers) and their frequencies, all sonar equipment and their frequencies and a description of all aerials and their frequencies;
- (g) Details of any photographic equipment carried;
- (h) Details of any diving equipment carried; and
- (i) Such other information as may be requested.

4. All vessels coming into Australian ports or the Australian territorial sea must comply with relevant Australian health, immigration, quarantine and customs law. For vessels making port calls this includes normal crew documentation and travel documents, as well as visas for all passengers including scientific personnel. Freight and baggage are subject to quarantine and customs regulations.

5. The Australian Party may refuse any application made in accordance with this Annex by notifying the Embassy, in writing, not less than thirty days before the date of port entry specified in the application. It shall not be obliged to give reasons for the refusal.

6. An authorisation granted pursuant to an application made under this Annex may be subject to conditions specified in it.

7. Unless the relevant Australian authorities direct otherwise, USSR fishing vessels shall proceed through the Australian Fishing Zone to their berth in a designated port by the most expeditious means and direct route available.

8. In special circumstances the Australian Party may vary the abovementioned guidelines by notice to the agent appointed under Article VII or to the USSR fisheries representative appointed under Article XIV.

## ANNEX B

## PROCEDURES RELATING TO FEASIBILITY FISHING OPERATIONS

1. *Programs*

The Parties shall jointly develop a program in accordance with the Guidelines for feasibility fishing in the Australian Fishing Zone issued from time to time by the Australian Department of Primary Industries and Energy.

2. *Licences*

(a) Not less than three months before the Soviet Party proposes to begin the program of feasibility fishing under this Agreement, its Embassy in Canberra ("the Embassy") shall apply to the designated Australian authority for licences in respect of each USSR fishing vessel the Soviet Party proposes to include in the program.

(b) Applications shall be made on licence application forms which the designated Australian authority shall provide to the Embassy.

(c) At the time of applying for licences, the Embassy shall submit a proposed fishing plan for each USSR fishing vessel to the designated Australian authority. The Embassy and the designated Australian authority may suggest variations with a view to developing a fishing plan acceptable to the Australian Party.

(d) The fishing plan shall form the basis of the subsidiary agreement on feasibility fishing.

(e) Upon the granting of a licence the designated Australian authority shall notify the Embassy of the names of the vessels in respect of which licences have been granted, the time specified for radio reporting of position and the serial number of each such licence.

(f) The designated Australian authority shall make arrangements to deliver the licences to the masters of the vessels during or after their pre-fishing inspection.

(g) Fees shall be paid in advance of the issue of licences in one amount to the designated Australian authority in freely disposable Australian currency free of exchange and service charges.

3. *Inspections*

(a) Licenced vessels, before beginning to fish in the Australian Fishing Zone, shall call at a port permitted under this and related Agreements and shall there comply with the requirements of Australian fisheries authorities relating to pre-fishing inspections, delivery of the licence and associated documentation including a fishing log-book and briefing of the master and radio operator.

(b) Licenced vessels shall enter port when required by the designated Australian authority for the purposes of this Agreement including inspections of vessels and briefing of new members of the crew.

4. *Reporting*

USSR fishing vessels shall make radio reports in accordance with the document entitled "Notes for the Guidance of Masters and Radio Operators on Licenced Foreign Fishing Vessels" as revised from time to time. In particular, each vessel shall report to the designated Australian Party via Australian coast radio:

(a) The time, date and position at which it is intended the vessel will enter the Australian Fishing Zone or an Australian port;

(b) The sailing plan of the vessel in the Australian Fishing Zone;

(c) On every day, at the time specified in the Australian licence granted in respect of the vessel, the position of the vessel in the Australian Fishing Zone;

(d) On every sixth day the catch by species of the previous six days.