

Division IV

**FISHING AND CONSERVATION OF THE LIVING
RESOURCES OF THE SEA**

Subdivision A. Multilateral Treaties

1. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO ENTRY INTO FORCE OF PROPOSALS ADOPTED BY THE COMMISSION. DONE AT WASHINGTON ON 29 NOVEMBER 1965¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949², which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of proposals adopted by the Commission, agree as follows:

Article I

Paragraphs 7 and 8 of Article VIII of the Convention shall be amended to read as follows:

“7. (a) Each proposal made by the Commission under paragraphs 1 or 5 of this Article shall become effective for all Contracting Governments six months after the date on the notification from the Depositary Government transmitting the proposal to the Contracting Governments, except as otherwise provided herein.

“(b) If any Contracting Government participating in the Panel or Panels for the sub-area or sub-areas to which a proposal applies, or any Contracting Government in the case of a proposal made under paragraph 5 above, presents to the Depositary Government objection to any proposal within six months of the date on the notification of the proposal by the Depositary Government, the proposal shall not become effective for any Government for an additional sixty days. Thereupon any other Contracting

¹ United Nations, *Treaty Series*, vol. 753, A-2053. Entered into force on 19 December 1969 in accordance with Article II. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² *Ibid.*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

Government participating in the Panel or Panels concerned, or any other Contracting Government in the case of a proposal made under paragraph 5 above, may similarly object prior to the expiration of the additional sixty-day period, or within thirty days after receiving notice of an objection by another Contracting Government made within such additional sixty days, whichever date shall be the later. The proposal shall become effective for all Contracting Governments except those Governments which have presented objections, at the end of the extended period or periods for objecting. If, however, objections have been presented by a majority of Contracting Governments participating in the Panel or Panels concerned, or by a majority of all Contracting Governments in the case of a proposal made under paragraph 5, the proposal shall not become effective unless any or all of the Contracting Governments nevertheless agree as among themselves to give effect to it on an agreed date.

“(c) Any Contracting Government which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such Government, immediately if the proposal is already in effect, or at such time as it becomes effective under the terms of this Article.

“8. The Depositary Government shall notify each Contracting Government immediately upon receipt of each objection and of each withdrawal of objection, and of the entry into force of any proposal.”

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence by any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, from all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

2. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO MEASURES OF CONTROL. DONE AT WASHINGTON ON 29 NOVEMBER 1965¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949², which Convention, as amended, is hereinafter referred to as the Convention, desiring to provide for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder, agree as follows:

Article I

Paragraph 5 of Article VIII of the Convention is amended by adding the following:

“and may also, on its own initiative, make proposals for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder.”

Article II

Paragraph 8 of Article VIII of the Convention is amended by adding the following:

“or, in the case of proposals made under paragraph 5 above, from all Contracting Governments.”

Article III

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention; provided, however, that Article II of this Protocol shall enter into force only if the Protocol Relating to Entry into Force of Proposals adopted by the Commission, done at Washington on November 29, 1965³, has not entered into force and shall, in such case, continue in force only until that Protocol enters into force.

3. and 4. [Identical with paragraphs 3 and 4, respectively, of Article II of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, *supra* 1.]

¹ United Nations, *Treaty Series*, vol. 756, A-2053. Entered into force on 19 December 1969 in accordance with Article III. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² *Ibid.*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

³ *Supra* 1.

Article IV

[Identical with Article III of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, *supra* 1.]

3. AGREEMENT EXTENDING THE INTERIM CONVENTION¹ BETWEEN CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON CONSERVATION OF NORTH PACIFIC FUR SEALS, SIGNED AT WASHINGTON ON 9 FEBRUARY 1957, AS AMENDED AND EXTENDED BY THE PROTOCOL OF 8 OCTOBER 1963², EFFECTED ON 19 MARCH 1969³

[This Agreement was effected by the receipt of notifications from the United States of America, the Union of Soviet Socialist Republics, Canada and Japan, confirming the United States circular note of 19 March 1969 which stated, *inter alia*, as follows:]

“In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.

“It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.”

¹ United Nations, *Treaty Series*, vol. 314, p. 105.

² *Ibid.*, vol. 494, p. 303. The text as amended by the Protocol is reproduced in ST/LEG/SER.B/15, pp. 841-847.

³ Text provided by the Permanent Representative of the United States to the United Nations in a note verbale of 11 November 1971.

4. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND TO REGULATORY MEASURES. DONE AT WASHINGTON ON 1 OCTOBER 1969¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949,² which Convention as amended is hereinafter referred to as the Convention, desiring to establish a more appropriate basis for the determination of representation on the Panels established under the Convention, and desiring to provide for greater flexibility in the types of fisheries regulatory measures which may be proposed by the International Commission for the Northwest Atlantic Fisheries, agree as follows:

Article I

Paragraph 2 of Article IV of the Convention shall be amended to read as follows:

“2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation of the stocks of fish in the subarea concerned or on the basis of current substantial exploitation of harp and hood seals in the Convention Area, except that each Contracting Government with coastline adjacent to a subarea shall have the right of representation on the Panel for the subarea.”

Article II

Paragraph 2 of Article VII of the Convention shall be amended to read as follows:

“2. Each Panel, upon the basis of scientific investigations, and economic and technical considerations, may make recommendations to the Commission for joint action by the Contracting Governments within the scope of paragraph 1 of Article VIII.”

Article III

Paragraph 1 of Article VIII of the Convention shall be amended to read as follows:

“1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, and economic and technical considerations, transmit to the Depositary Government appro-

¹ Entered into force on 15 December 1971 in accordance with Article IV. Text provided by the Permanent Representative of the United States of America to the United Nations in a note verbale of 11 November 1971. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838. For the amendments effected by the Protocols of 29 November 1965, see *supra* 1 and 2.

ropriate proposals, for joint action by the Contracting Governments, designed to achieve the optimum utilization of the stocks of those species of fish which support international fisheries in the Convention Area.”

Article IV

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.
2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.
3. Any Government which adheres to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.
4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

Article V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.
2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

5. AGREEMENT BETWEEN JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON THE REGULATION OF NORTH PACIFIC WHALING. SIGNED AT TOKYO ON 16 DECEMBER 1970¹

The Governments of Japan, of the Union of Soviet Socialist Republics, and of the United States of America, being parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2nd, 1946² (hereafter referred to as “the Convention”):

Have agreed upon the following:

Article 1

For the purpose of this Agreement, the open season in 1971 for pelagic baleen whaling operations shall be the period from April 15 to October 15 both inclusive.

Article 2

The total catch of baleen whales authorized under the Convention to be taken in the North Pacific Ocean and dependent waters in 1971 shall be

¹ United Nations, *Treaty Series*, vol. 792, no. 11247. Entered into force on 16 December 1970 and expired on 31 December 1971, in accordance with Articles 3 and 4, respectively.

² *Ibid.*, vol. 161, p. 72. Reproduced in ST/LEG/SER.B/15, pp. 827-831.

allocated among the countries of the Signatory Governments in the following manner:

(i) Fin Whales	
Japan	568
Union of Soviet Socialist Republics	700
United States of America	40
(ii) Sei and Bryde's Whales combined	
Japan	3,132
Union of Soviet Socialist Republics	1,527
United States of America	51

Article 3

The fin whale quota may be converted to sei and Bryde's whales combined or vice-versa, in terms of the formula as defined in paragraph 8 (b) of the Schedule to the Convention, provided that the total catch of one or the other species does not exceed the level which is 10 percent above the quota for each species as prescribed above.

Article 4

The present Agreement shall enter into force on the day upon which it is signed by the Governments referred to in the Preamble.

Article 5

The present Agreement shall be operative until December 31, 1971.

6. INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS. DONE AT RIO DE JANEIRO ON 14 MAY 1966¹

Preamble

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

Article 1

The area to which this Convention shall apply, hereinafter referred to as the "Convention area", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

¹ United Nations, *Treaty Series*, vol. 673, p. 63. Entered into force on 21 March 1969. The parties as of 1 July 1973 are: Brazil, Canada, France, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain and the United States of America.

Article II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention.

2. Each of the Contracting Parties shall be represented on the Commission by not more than three delegates. Such delegates may be assisted by experts and advisers.

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two thirds of the Contracting Parties shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its members a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

Article IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, in so far as feasible, utilize the technical and scientific services of, and information

from, official agencies of the Contracting Parties and their political subdivisions and may, when desirable, utilize the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent research to supplement the research work being done by Governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this article shall include:

(a) Collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area;

(b) Studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch;

(c) Recommending studies and investigations to the Contracting Parties;

(d) Publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds 40, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

(a) Shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;

(b) May propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;

(c) May recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigations by the Contracting Parties.

Article VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe:

(a) Co-ordinating the programmes of investigation by the Contracting Parties;

(b) Preparing budget estimates for review by the Commission;

(c) Authorizing the disbursement of funds in accordance with the Commission's budget;

(d) Accounting for the funds of the Commission;

(e) Arranging for co-operation with the organizations referred to in article XI of this Convention;

(f) Preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks;

(g) Preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1. (a) The Commission may, on the basis of scientific evidence make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this article.

(b) The recommendations referred to above shall be made:

(i) At the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two thirds of all the Contracting Parties if an appropriate Panel has been established;

(ii) On the proposal of an appropriate Panel if such a Panel has been established;

(iii) On the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this article shall become effective for all Contracting Parties six months after the date of the

notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this article.

3. (a) If any Contracting Party in the case of a recommendation made under paragraph 1 (b) (i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1 (b) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six-month period provided for in paragraph 2 above, the recommendation shall not become effective for an additional 60 days.

(b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional 60-day period, or within 45 days of the date of the notification of an objection made by another Contracting Party within such additional 60 days, whichever date shall be the later.

(c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(d) However, if a recommendation has met with an objection presented by only one or less than one fourth of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(e) In the case referred to in subparagraph (d) above the Contracting Party or Parties concerned shall have an additional period of 60 days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(f) If a recommendation has met with objection from more than one fourth but less than the majority of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree:

(a) To furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;

(b) When their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a State is entitled under international law to exercise jurisdiction over fisheries.

Article X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to:

(a) \$US 1,000 (one thousand United States dollars) for Commission membership.

(b) \$US 1,000 (one thousand United States dollars) for each Panel membership.

(c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two thirds the Commission shall determine on the basis of the latest available information:

(i) The total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party;

(ii) The total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this subparagraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorize reappportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The Executive Secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on 1 January of the year for which the assessment was levied. Contributions not

received before 1 January of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than 60 days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to article XIII of the organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a Member of the United Nations or of any specialized agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for 10 years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after 10 years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on 31 December of any year including the tenth year by written notification of withdrawal given on or before 31 December of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same 31 December by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than 1 April of that year.

Article XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A Government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

Article XIV

1. This Convention shall be open for signature by any Government which is a Member of the United Nations or of any specialized agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

Subdivision B. Bilateral Treaties

1. AGREEMENT ON CO-OPERATION BETWEEN THE SPANISH STATE AND THE ISLAMIC REPUBLIC OF MAURITANIA IN THE MATTER OF OCEAN FISHING AND PROCESSING OF FISHERIES PRODUCTS. DONE AT NOUAKCHOTT, ON 14 FEBRUARY 1964¹

Article I

The Spanish State undertakes to:

...

(C) Authorize Spanish owners of fishing vessels to sell their catches in Mauritanian ports at prices to be freely negotiated between them and buyers resident in Mauritania.

Spanish vessels fishing in Mauritanian waters shall pay to the Mauritanian State a "fishing licence fee" at the annual rate of \$US 10 per gross registered ton, payable in accordance with the payments arrangements in force between the two countries.

...

(E) Allow Mauritanian nationals to serve, on the same terms and conditions as Spanish nationals, on the crews of Spanish fishing vessels which regularly operate in Mauritanian waters.

...

Article IV

The Mauritanian State undertakes:

(A) To authorize Spanish fishermen to fish in Mauritanian waters on the same terms and conditions as Mauritanian nationals.

...

Article VII

The period of validity of this Agreement shall be 50 years and the Agreement shall enter into force on the date of its signature.

...

¹ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 4 November 1971. Translation by the Secretariat of the United Nations. The French text, which is equally authentic, was not available.

2. AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES ON TRADITIONAL FISHING IN THE EXCLUSIVE FISHERY ZONES CONTIGUOUS TO THE TERRITORIAL SEAS OF BOTH COUNTRIES. EFFECTED BY EXCHANGE OF NOTES SIGNED AT WASHINGTON ON 27 OCTOBER 1967¹

Considering

I. That the Government of the United States of America, pursuant to Public Law 89-658, approved 14 October 1966,² established an exclusive fishery zone contiguous to the territorial sea of the United States in which it will exercise the same exclusive rights in respect to fisheries as it has in its territorial sea, subject to the continuation of traditional fishing by the foreign States within this zone as may be recognized by the Government of the United States;

II. That the Government of Mexico, pursuant to the law of 9 December 1966,³ promulgated by the Mexican Congress, established the exclusive jurisdiction of Mexico, for fishing purposes, in a zone of 12 nautical miles (22,224 metres) in breadth, measured from the base line used to measure the breadth of the territorial sea, and provided that the legal régime for the exploitation of the living resources of the sea within the territorial sea extends to the entire exclusive fishery zone of the nation and that nothing contained in this law modifies in any way the legal provisions which determine the breadth of the territorial sea, and finally that Mexico's Federal Executive will determine the conditions and terms under which nationals of countries which traditionally have exploited the living resources of the sea within the three nautical mile zone beyond the territorial sea may be authorized to continue their activities for a period not to exceed five years, beginning on 1 January 1968;

III. That both Governments consider it necessary and convenient to establish the terms and conditions under which, without any modification of and in total accord with the laws cited in previous paragraphs I and II, fishing vessels of the United States and those of Mexico may, beginning 1 January 1968, continue their activities during five years in the waters within the exclusive fishery zone of the other country in which vessels of the same flag fished in a sustained manner during the five years immediately preceding 1 January 1968; and

IV. That both Governments state that the establishment of said terms and conditions does not imply a change of position or an abandonment of the positions maintained by each Government regarding the breadth of the territorial sea, this matter not being the object of this agreement, nor does it limit their freedom to continue defending them in the international forum or in any of the ways recognized by international law;

¹ United Nations, *Treaty Series*, vol. 693, p. 175. Entered into force on 1 January 1968 in accordance with Paragraph 16.

² Reproduced in ST/LEG/SER.B/15, pp. 701-702.

³ Reproduced *ibid.*, p. 649, with a misquoted date.

The Government of the United States of America and the Government of the United Mexican States

Agree to establish the following terms and conditions under which American and Mexican fishermen will continue to operate in the above-mentioned waters during the established period of five years:

1. Fishing vessels of the United States will be permitted to continue their activities in the exclusive fishery zone of the United Mexican States in the Gulf of Mexico:

(a) In the waters between 9 and 12 nautical miles off the coast of the mainland and around the islands of Mexico, measured from the baseline from which the breadth of the territorial sea is measured, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the 12-nautical-mile limit, and bounded on the south by a straight line connecting the geographic co-ordinates of 21°20'00" north latitude, 86°38'00" west longitude, and 21°20'00" north latitude, 86°35'00" west longitude (north-east of Isla Mujeres), where fishing vessels of the United States have traditionally carried on shrimp fishing, they will be permitted to continue to take shrimp and such species of fish as are taken incidentally;

(b) United States fishing vessels will be permitted to continue to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus*, and *Pristipomoides*), groupers (genera *Epinephelus* and *Mycteroperca*), and other genera that are captured incidentally, such as *Seriola*, *Calamus*, *Stenotomus*, *Balistes*, *Paralichthys*, *Ancyclopsetta*, and *Cyclopsetta*, in waters between 9 and 12 nautical miles around Cayo Arcas, Arrecifes Triangulos, Cayo Arenas, and Arrecifes Alacran;

(c) The fishing referred to in subparagraphs (a) and (b) above will continue during the five years beginning 1 January 1968, at levels such that the total catch by United States vessels will not exceed the total in the five years immediately preceding that date.

2. In the maritime waters off the Mexican coast in the Pacific Ocean:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of Mexico, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the 12-nautical-mile limit and bounded on the south by a straight line connecting the geographical co-ordinates of 14°32'42" north latitude, 92°27'00" west longitude, and 14°30'36" north latitude, 92°29'18" west longitude, where fishing vessels of the United States have traditionally carried on fishing, they will be permitted to fish for albacore (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), skipjack (*Euthynnus (Katsuwonus) pelamis*), bonito (*Sarda chiliensis*), thread herring (*Opisthonema* spp.), white sea bass (*Cynoscion nobilis*), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), California halibut (*Paralichthys californicus*), yellowtail (*Seriola dorsalis*), barracuda (*Sphyrna argentea*), groupers (*Mycteroperca* spp.), and such other species as are commonly taken incidentally in fishing for the above-mentioned species, and for anchoveta (*Cetengraulis*

mysticetus), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*) exclusively as tuna bait fish;

(b) The fishing referred to in subparagraph (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by United States vessels in the five years immediately preceding that date; and

(c) United States fishing vessels will be permitted, during the same term of five years, to continue sport or recreational fishing in the waters indicated.

3. Mexican fishermen will be permitted to continue their activities within the exclusive fishery zone of the United States, in regards to the Gulf of Mexico:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of the United States, from the maritime boundary indicated in paragraph 1 (a) above to a line on the 26th parallel of north latitude connecting points 9 and 12 miles from the said baseline on the West Coast of Florida where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for shrimp and other genera that are captured incidentally, as well as to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus* and *Pristipomoides*); and

(b) The fishing referred to in subparagraphs (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

4. In the maritime waters off the United States coast on the Pacific Ocean:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of the United States, from the maritime boundary indicated in paragraph 2 (a) above, to a western extension of the California-Oregon border (42° north latitude) where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for Pacific mackerel (*Pneumatophorus* spp.), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), albacore (*Thunnus alalunga*), yellowtail (*Seriola dorsalis*), hake (*Merluccius* spp.), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), and such other species as are commonly taken incidentally in fishing for tuna, as well as anchoveta (*Cetengraulis mysticetus*), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*), these last ones exclusively as tuna bait fish; and

(b) The fishing referred to in subparagraph (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

5. In the event that the International Boundary and Water Commission, United States and Mexico, is unable to complete the lines referred to in paragraphs 1 (a), 2 (a), 3 (a) and 4 (a) prior to 1 January 1968, it will, prior to that date, for the purposes of this agreement, prepare lines to be used as

provisional boundaries until the two countries are able to agree on permanent boundaries of their exclusive fishery zones.

6. In view of the fact that the catch by United States vessels within the exclusive fishery zone of Mexico and the catch by Mexican vessels within the exclusive fishery zone of the United States have not substantially increased during recent years, both Governments agree that said catches should not increase, and because of this they do not consider it necessary to establish during the five years beginning 1 January 1968 specific control measures, other than the following:

(a) The Government of the United States of America will submit to the Government of Mexico, and the latter will submit to the former, before 1 January 1968, or, at the latest, 30 days after that date, a report designating the areas now included within the exclusive fishery zone of the other country where its fishermen have operated in a sustained manner during the years 1963 to 1966 inclusive, indicating the species caught and the volume of each species, and the two Governments will submit to each other similar reports for the year 1967 no later than 30 June 1968;

(b) The two Governments will report to each other before 1 January 1968, or, at the latest, 30 days after that date, the number of vessels and the types and net tonnage of said vessels as well as the types of fishing gear used during the previous years by their respective nationals;

(c) The two Governments will exchange, no later than 31 January of each year, and at such other times as it may become necessary owing to special circumstances, lists of vessels that will operate under the terms of the present agreement;

(d) Representatives of the two Governments will meet annually on mutually agreeable dates to review the operation of this agreement and to determine the need for any additional arrangements. To facilitate this review, the Government of the United States will submit to the Government of Mexico, and the latter will submit to the former, as soon as practicable after 1 January, but not later than 1 April, each year a report on the fishing activities of its nationals in the exclusive fishery zone of the other country, indicating the volume of catch of each species authorized to be taken and the areas in which such catches were made.

7. The United States and Mexican fishermen may continue to use, within the exclusive fishery zone of the other country, only vessels and fishing gear not prohibited by the laws of the respective country and of the same types as those employed during the five years prior to 1 January 1968, except that technological improvements to existing types of vessels and gear are not precluded, provided they are not inconsistent with the legislation of the respective country.

8. Notwithstanding the limitations on fishing indicated in paragraphs 1, 2, 3, 4, and 7 of this agreement, each Government may establish additional limitations when, in its judgement, they become indispensable in order to protect the living resources of the sea in the exclusive fishery zone under its jurisdiction, or when each Government or both Governments must establish extraordinary restrictions pursuant to resolutions or recommendations of international organizations of which they are members. In any of these eventualities,

the interested Government will consult with the other Government before establishing the new limitations and will notify the other Government 60 days in advance of their application in order to reasonably allow the fishermen of the other country to adjust their activities accordingly.

9. The United States of America and the United Mexican States, in accordance with their respective laws on the exclusive fishery zone, will exercise within their respective zones the same exclusive rights with respect to fisheries as they exercise in their territorial sea. Nevertheless, without renouncing their sovereign powers and in order to respect the traditional fisheries by their respective nationals in the zone of the other country during the period indicated in this agreement, both Governments state that it is their intention neither to impose duties or taxes nor to impose other fiscal obligations, nor to propose to their respective Congresses the establishment of financial burdens upon the fishermen of the other country, who, within the terms of this agreement, will continue to operate in the waters within their respective exclusive fishery zones during the five years beginning 1 January 1968.

10. Notwithstanding the provisions of the previous paragraph, if either of the two Governments, due to circumstances which may arise during the life of this agreement, should deem it necessary or convenient to establish and collect such taxes, duties or fiscal obligations from the fishermen of the other country, it will first grant the other Government the opportunity to express its point of view. If, finally, such taxes, duties or obligations are established, the other Government, in strict reciprocity, will have the right to impose identical or similar fiscal measures, within its exclusive fishery zone, upon the fishermen of the country that first applied them.

11. For purposes of this agreement, the Government of Mexico will permit only vessels flying the flag of the United States of America to continue to operate within its exclusive fishery zone. For purposes of this agreement, only vessels flying the Mexican flag will be permitted to operate within the exclusive fishery zone of the United States of America.

12. Any fishing vessel of either country operating under the present agreement which acts contrary to the provisions of the agreement will not have the protection of the agreement in the particular case and will be subject exclusively to the legal régime, penal and administrative, of the country having jurisdiction over the exclusive fisheries zone.

13. The Government of the United States understands that neither the enactment of the Mexican law on the exclusive fishery zone of the nation nor the provisions of the present agreement imply *ipso facto* and of themselves any change regarding the legal régime on the exploitation of the living resources of the Mexican territorial sea, including the provisions of Mexico's law relating to the imposition of fees and taxes on foreign fishermen who fish within Mexico's territorial sea, since the law on the fishery zone of the nation, in accordance with its article 2 (transitory), only repeals previous provisions contrary to it, and this agreement, as was expressed in the points of initial consideration, is based on said law.

14. The Government of the United States of America will co-operate with the Government of Mexico in the formulation and execution of a programme of scientific research and conservation of the stocks of shrimp and

fish of common concern off the coast of Mexico, consistent with the Convention on Fishing and Conservation of Living Resources of the High Seas, opened for signature at Geneva on 29 April 1958¹ to which both Governments are parties. The two Governments at an appropriate time will meet to make the special arrangements necessary to formulate and execute such a programme.

15. The provisions of this agreement will be enforced by the Government of the United States of America and by the Government of Mexico in their respective exclusive fishing zones.

16. This agreement shall be in effect for a period of five years beginning on 1 January 1968, provided that either Party may denounce the agreement at any time after one year from that date if in its judgement the agreement is not operating satisfactorily. Such denunciation shall have the effect of terminating the agreement six months from the date of the formal notice of denunciation.

3. (i) AGREEMENT ON FISHING BETWEEN BRAZIL AND ARGENTINA. SIGNED AT BUENOS AIRES ON 29 DECEMBER 1967²

The President of the Republic of Brazil and the President of the Argentine Nation,

For the purpose of authorizing, on the basis of reciprocity, the exploitation, in the area covered by this Agreement, of the resources of the sea, in particular those used to feed their peoples,

Have decided to conclude this Agreement on Fishing . . .

. . .

Article 1

Each of the High Contracting Parties shall authorize nationals of the other Party to fish, free of any tax or charge, in waters beyond a limit of six miles from the baselines for measuring the breadth of the respective territorial sea. Such right may be exercised subject only to the lawful use of the flag flown and authorization, in the country of that flag, to engage in fishing.

Sole paragraph. Within a period of 60 days from the entry into force of this Agreement, a Joint Commission shall be set up to study and to recommend to the respective Governments the requisite measures for standardizing the registration requirements for fishing vessels.

Article 2

Pending the entry into force of the Convention provided for in the Agreement on Conservation of the Natural Resources of the South Atlantic, signed

¹ United Nations, *Treaty Series*, vol. 559, p. 285. Reproduced in ST/LEG/SER.B/15, pp. 847-853.

² Portuguese text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations. According to the information provided by the Permanent Mission of Argentina to the United Nations in a note verbale of 30 May 1973, the Foreign Minister of Argentina communicated to the Brazilian Embassy, in a note of 28 December 1972, that "the Argentine Government has decided not to ratify" this Agreement.

between the High Contracting Parties on today's date, fishing vessels of either Party shall comply with the laws of the coastal State concerned in respect of conservation of the natural resources of the area covered by this Agreement. They shall do so especially in respect of the types of fishing gear to be used, the method of use thereof, the authorized fishing seasons and areas, and any other measure designed to protect the fish species or preserve the ecological conditions and biological balance.

Article 3

Each High Contracting Party undertakes to respect the jurisdiction of the other within the limits established in article 1, as the area covered by this Agreement.

No provision of this Agreement shall be interpreted as affecting the rights or claims of the Contracting Parties within the aforementioned limits, including the right to verify compliance with the Agreement.

Article 4

This Agreement shall remain open for accession by any other South American State of the South Atlantic which grants the same fishing facilities as do the signatories.

Article 5

This Agreement shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place as soon as possible in the city of Rio de Janeiro.

Article 6

Each High Contracting Party may at any time denounce this Agreement, which shall cease to have effect six months after notice of such denunciation is given.

(ii) BRAZILIAN NOTES¹

I

Buenos Aires, 29 December 1967

NOTE 412

Sir,

I have the honour to inform you that, wishing to facilitate the implementation of the Agreement on Fishing signed on today's date, the Brazilian Government agrees to assign to the Joint Commission, established under the sole paragraph of article 1, the responsibility for regulating the verification procedure provided for in article 3 of the Agreement.

2. The Brazilian Government further agrees to assign to the Joint Commission the responsibility for recommending to the Governments the requisite measures for standardizing the registration requirements for fishing vessels.

¹ Portuguese texts provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by Secretariat of the United Nations.

3. This note and Your Excellency's reply of the same date and content shall constitute an agreement between the two Governments.

Accept, Sir, etc.

M. PIO-CORREA

II

NOTE 413

Buenos Aires, 29 December 1967

Sir,

I have the honour to inform you that, for the purposes of the Agreement on Fishing signed on today's date, the Brazilian Government will consider a vessel which fulfils the following conditions to be a fishing vessel of the High Contracting Parties:

(a) If it is permanently registered in the respective country and has been issued with a certificate of registry in accordance with that country's laws;

(b) If, provided they comply with any greater requirements of the High Contracting Parties, the master, the officers and at least the majority of the remainder of the crew are of the nationality of the respective country and are authorized by the competent authority to carry out their duties; the national language shall be used in the spoken and written commands and working orders of the ship or vessel and in the requisite logbooks and legal documents;

(c) If the owner is an individual, he must be of the nationality of the respective country and have his main domicile and real and effective main place of business in that country;

(d) If it belongs to an association of one or more persons, the association must be constituted in accordance with the law of the country of the ship's or vessel's flag, the majority of the capital must belong to persons who are of the nationality of the same country and the enterprise must have its real and effective main place of business therein;

(e) If it belongs to a joint stock company, the latter must be constituted in accordance with the law of the country of the ship's or vessel's flag and have its main domicile and real and effective main place of business in that country; the chairman of the board of directors, the person acting as manager and the majority of the directors must be of the nationality of the respective country and the majority of the capital must belong to individuals or bodies corporate which are of the nationality of the country in question, have their domicile and seal and effective main place of business in that country;

(f) If the ship or vessel is in the co-ownership of either individuals or joint stock companies, the system of co-ownership must conform to the law of the country of the ship's or vessel's flag; more than half the value of the co-ownership must belong to individuals or bodies corporate of the respective country having their main domicile and real and effective main place of business therein;

(g) In the case of ownership by a joint stock company with capital belonging for the most part to individuals or bodies corporate showing the nationality of both High Contracting Parties, with ships or vessels registered in one of

them, the company must be constituted in accordance with the laws of one of the Contracting Parties and have in one of them its main domicile and seat and effective main place of business, and the chairman of the board of directors, the manager and the majority of the directors must be of the nationality of one of the Parties.

2. The Brazilian Government shall take the necessary steps to ensure that the requirements set out in subparagraphs (e), (f) and (g) are not circumvented by the action of non-Brazilian joint stock companies.

3. This note and your reply of the same content and date shall constitute an agreement between our Governments.

Accept, Sir, etc.

M. PIO-CORREA

4. (i) AGREEMENT BETWEEN JAPAN AND THE UNITED MEXICAN STATES ON FISHING BY JAPANESE VESSELS IN THE WATERS CONTIGUOUS TO THE MEXICAN TERRITORIAL SEA. SIGNED AT TLATELOLCO ON 7 MARCH 1968¹

The Government of Japan and the Government of the United Mexican States, desiring to conclude an Agreement on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, have agreed as follows:

Article 1

Japanese vessels shall not fish in the zones contiguous to the Mexican territorial sea which extend up to 12 nautical miles from the baseline from which the breadth of the said territorial sea is measured, except in those areas of the Pacific Ocean indicated below (hereinafter referred to as "areas of operation"), in which Japanese vessels duly authorized by the Government of Japan may fish:

(1) Between 9 and 12 nautical miles from the baseline from which the breadth of the territorial sea is measured around the Mexican islands, with the exception of the Islas Marias, the islands lying off the west coast of the Baja California peninsula north of the parallel 30° north latitude and the islands lying to the west of the meridian 109° 05' west longitude in the Gulf of California.

(2) Between 9 and 12 nautical miles from the baseline from which the breadth of the territorial sea is measured off the coast of the Mexican mainland:

(a) From a line connecting the geographical co-ordinates 14° 32' 42" north latitude - 92° 27' west longitude and 14° 30' 36" north latitude - 92° 29' 18" west longitude, up to the meridian 94° 40' west longitude;

(b) From the meridian 95° 40' west longitude to the meridian 99° 25' west longitude;

(c) From the meridian 102° west longitude to the meridian 106° 10' west longitude;

(d) From the meridian 106° 55' west longitude to the meridian 109° 05' west longitude, and

¹ United Nations, *Treaty Series*, vol. 683, p. 257. Entered into force on 10 June 1968 in accordance with Article 10. Translation by the Secretariat of the United Nations.

(e) Off the west coast of the Baja California peninsula, from the parallel 23° 10' north latitude to the parallel 30° north latitude.

Article 2

In the areas of operation Japanese vessels shall use the longline system which they have been using hitherto.

Article 3

Japanese vessels shall fish in the areas of operation for the following species: bigeye tuna (*Thunnus obesus*, family *Thunnidae*), yellowfin tuna (*Thunnus albacares*, family *Thunnidae*), sailfish (*Istiophorus orientalis*, family *Istiophoridae*), striped marlin (*Tetrapturus audax*, family *Istiophoridae*), swordfish (*Xiphias gladius*, family *Hiphiidae*) and any other species caught incidentally in the course of fishing for the above-mentioned species.

Article 4

The total fish catch by Japanese vessels in the areas of operation during the five-year period ending 31 December 1972 shall not exceed 15,500 metric tons, excluding species caught incidentally. Every possible effort shall be made to ensure that the total fish catch is distributed evenly over the five years of the above-mentioned period.

Article 5

The authorities of Japan shall notify to the authorities of the United Mexican States:

1. Not later than 31 January each year, the types and approximate number of Japanese vessels expected to be engaged in fishing in the areas of operation in the course of that year, and
2. Not later than 1 June each year, the results of the fishing activities of Japanese vessels in the areas of operation in the course of the immediately preceding year, including the fish catch and the approximate areas in which fishing operations were conducted.

Article 6

Representatives of the two Governments shall hold annual meetings to review the implementation of this Agreement. When it is deemed necessary in pursuance of international agreements to which either Government is a party or in compliance with resolutions or recommendations adopted by international organizations of which either Government is a member, and when it appears advisable in the interests of the conservation of the living resources of the sea, the Governments may, at the said meetings, establish regulatory measures applicable to Japanese vessels in the areas of operation, for the purpose of supplementing the execution of this Agreement.

Article 7

Japanese vessels operating in violation of any of the provisions of this Agreement shall be excluded from the benefits deriving from it.

Article 8

When it is deemed necessary, the two Governments shall hold consultations on the planning and execution of co-ordinated scientific research on the species mentioned in article 3 of this Agreement for the purpose of ensuring the rational utilization of those species.

Article 9

None of the provisions of this Agreement may be interpreted in such a way as to prejudice the respective positions of the two Governments with regard to the breadth of the territorial sea or the jurisdiction of States in matters of fisheries.

Article 10

This Agreement shall enter into force on the date on which the Government of the United Mexican States receives from the Government of Japan written notification to the effect that Japan has approved this Agreement in accordance with the procedures established in its domestic laws, and shall remain in force until 31 December 1972.

Article 11

Without prejudice to the provisions of article 10, either Government may give notice to the other of its intention to denounce this Agreement, at any time after one year has elapsed since its entry into force. The denunciation shall take effect six months after the date on which the notice is received by the other Government.

(ii) MEMORANDUM OF AGREEMENT

With reference to the Agreement between Japan and the United Mexican States on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, signed on this date, the representative of the Governments of Japan and of the United Mexican States have agreed to place on record the following:

1. The representatives of the United Mexican States appreciate the difficulty of ensuring that no part of the longlines used by Japanese vessels drifts unintentionally and accidentally into waters in which Japanese vessels are prohibited from fishing under the Agreement. Consequently, any such intrusions would not be regarded as an infringement of the Agreement. Similarly, the representatives of Japan acknowledge the advisability of instructing Japanese vessels to exercise sufficient care to prevent such accidental intrusion and, should any such intrusion occur, to notify the Mexican authorities before hauling in the longlines that accidentally drifted into waters in which Japanese vessels are prohibited from fishing under the Agreement.

2. The representatives of Japan stated, with reference to article 4 of the Agreement, that they estimate that the amount of species caught incidentally by Japanese vessels in the areas of operation will not exceed 10 per cent of the total fish catch.

3. The representatives of Japan stated that the Japanese authorities will give the notification mentioned in article 5 paragraph 1 of the Agreement, in respect of the year 1968, not later than 30 days after the date on which the Agreement enters into force and the notification mentioned in article 5, paragraph 2, in respect of the last year in which the Agreement is in effect, not later than 1 June of the following year.

4. The representatives of the United Mexican States stated that their Government does not intend to impose duties, taxes or other fiscal charges on Japanese vessels fishing under the terms of the Agreement. It was understood that the two Governments would consult each other on the question, if the Government of the United Mexican States should wish to impose duties, taxes or other fiscal charges on the above-mentioned Japanese vessels.

5. EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT BETWEEN DENMARK AND THE NETHERLANDS CONCERNING FISHING RIGHTS WITHIN DANISH FISHERY AREAS. THE HAGUE, 30 MAY 1968¹

I

Royal Danish Embassy

J.nr. 55 Dan.1.

The Royal Danish Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour, acting upon instructions, to inform the Ministry as follows:

On March 10, 1967, the Danish Government notified the Netherlands Government of the entry into force, as from July 1, 1967, of a 12-mile fishing limit along the Danish coasts in the North Sea, the Skagerrak and the Kattegat in pursuance of Act No. 195 of May 26, 1965 on Salt Water Fishing,² inviting at the same time the Netherlands Government to substantiate such fisheries as had habitually been exercised by Netherlands fishing vessels in the above-mentioned Danish waters in accordance with the principles of the European Fisheries Convention of March 9, 1964³.

In the course of subsequent negotiations on November 23, 1967, it was understood between a Danish and a Netherlands delegation that, pursuant to articles 3 and 4 of the European Fisheries Convention, Netherlands traditional fisheries should be defined as fisheries directed towards plaice and sole in the area between the Danish/German border in the North Sea and the parallel of the latitude through Bovbjerg lighthouse.

It was further understood that, pursuant to article 9, section 1, of the Fisheries Convention, the Netherlands traditional fisheries as described above should be allowed to continue in the belt between 3 and 6 nautical miles from the base lines until July 1, 1968.

¹ United Nations, *Treaty Series*, vol. 645, p. 147. Entered into force on 30 May 1968. Translation by the Secretariat of the United Nations.

² Reproduced in part in ST/LEG/SER.B/15, pp. 623-627.

³ United Nations, *Treaty Series*, vol. 581, p. 57. Reproduced in ST/LEG/SER.B/15, pp. 862-865.

After that date the Netherlands traditional fisheries as described above should be allowed to continue in the belt between 6 and 12 miles from the base lines.

The Danish Government accepts the above understandings.

If the foregoing is also acceptable to the Government of the Netherlands, the Embassy has the honour to propose that the present note and the reply of the Ministry of Foreign Affairs constitute an arrangement between the two Governments in this matter.

The Hague, May 30, 1968

II

Ministry of Foreign Affairs
The Hague

The Ministry of Foreign Affairs presents its compliments to the Royal Danish Embassy and has the honour to acknowledge receipt of the Latter's Note of today's date, J. nr. 55. Dan. 1., which read as follows:

[See note I]

The Ministry has the honour to inform the Embassy that the Netherlands Government accepts the understandings set forth in the above-mentioned Note, so that that Note and the present reply constitute an arrangement between the two Governments in this matter.

The Hague, May 30, 1968

6. (1) AGREEMENT ON FISHERIES BETWEEN THE COMMONWEALTH OF AUSTRALIA AND JAPAN. SIGNED AT CANBERRA ON 27 NOVEMBER 1968¹

The Government of the Commonwealth of Australia and the Government of Japan,

Desiring to conclude an agreement concerning fishing by Japanese vessels in waters contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea,

Have agreed as follows:

Article I

1. Except as provided in paragraph 2 of this Article, Japanese vessels will not engage in fishing in the waters which are contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea and extend to a limit of 12 nautical miles from the baselines from which those territorial seas are measured.

2. For the periods described hereunder Japanese vessels may engage in tuna long-line fishing in accordance with the provisions of this Agreement in those parts of the waters described in paragraph 1 of this Article that are within the areas designated hereunder:

¹ United Nations, *Treaty Series*, vol. 708, No. 10174. Entered into force on 24 August 1969.

A. Until the twenty-seventh day of November, 1975

(i) *In the Tasman Sea:*

(a) The area to the south, south-east and east of the island of Tasmania bounded on the west by 146° East Longitude and on the north by 41° South Latitude (Adm. 1079);

The area bounded on the west by 148° 20' East Longitude, on the south by 41° South Latitude and on the north by 40° 29' 30'' South Latitude (Adm. 1079);

The area to the east of Cape Barren Island, Vansittart Island and Flinders Island bounded on the south by 40° 29' 30'' South Latitude and on the north by 39° 46' 30'' South Latitude (Adm. 1695a);

The area bounded on the west by 148° East Longitude, on the south by 39° 46' 30'' South Latitude and on the north by 39° South Latitude (Adm. 1695a);

(b) The area bounded on the south by 37° 34' 24'' South Latitude (Adm. 1017) and on the north by 33° 50' 06'' South Latitude (Aus. 75);

(c) The area off the coast of Lord Howe Island; and

(d) The area off the coast of the Territory of Norfolk Island;

(ii) *In the Coral Sea:*

(a) The area bounded on the south by 26° South Latitude and on the north by 25° 47' 30'' South Latitude (Adm. 1068);

The area to the east of Great Sandy (Fraser) Island bounded on the south by 25° 47' 30'' South Latitude and on the north by 24° 42' South Latitude (Adm. 1068);

The area bounded on the west by 152° 40' Longitude, on the south by 24° 42' South Latitude and on the north by 22° 21' 30'' South Latitude (Adm. 346);

The area bounded on the west by the outer edge of the Great Barrier Reef, on the south by 22° 21' 30'' South Latitude and on the north by 12° South Latitude (Adm. 2764); and

(b) The area off the coast of the island known as Pocklington Reef; and

(iii) *In the Indian Ocean:*

(a) The area bounded on the south by 25° South Latitude (Adm. 518) and on the north by 21° South Latitude (Adm. 1055);

(b) The area off the coast of the Territory of Cocos (Keeling) Islands; and

(c) The area off the coast of the Territory of Christmas Island.

B. Until the twenty-seventh day of November, 1971 or such later date as may be agreed in consultation between the two Governments -

The area off the coasts of the Territory of Papua and the Trust Territory of New Guinea, with the exception of

(a) The area off the south coast of the Territory of Papua bounded on the east by 145° East Longitude; and

(b) The area off the south coast of the Territory of Papua that is bounded on the west by 145° East Longitude and on the east by 151° East Longitude, is contiguous to the territorial sea of the Territory of Papua and extends to a limit of six nautical miles from the baseline from which that territorial sea is measured.

The parts of the waters described in paragraph 1 of this Article that are within the areas designated in sub-paragraphs A and B of this paragraph are hereinafter referred to as "the Designated Waters".

Article II

1. The Japanese authorities will provide the Australian authorities with the names, the registration numbers, the names of the managers and the numbers of the fishing crews of any Japanese vessels that are likely to engage in tuna long-line fishing in the Designated Waters.

2. The information referred to in paragraph 1 of this Article will be provided at least 14 days before the day on which it is anticipated that any vessel in relation to which the information is provided will first commence fishing in the Designated Waters in any calendar year, and the information thus provided will relate to that calendar year, except that information provided during December in any year will also relate to the following calendar year.

Article III

1. On receipt of the information referred to in paragraph 1 of Article II of this Agreement in respect of any Japanese vessels, the Government of the Commonwealth of Australia will make necessary administrative arrangements to facilitate the operation of those vessels in the Designated Waters in accordance with the provisions of this Agreement.

2. The vessels referred to in paragraph 1 of this Article will make reasonable payments in relation to the administrative arrangements mentioned in that paragraph.

Article IV

1. The annual level of Japanese tuna long-line operations under this Agreement will not be increased beyond the average annual level of the calendar years 1963 to 1967.

2. The Japanese authorities will provide the Australian authorities not later than the thirtieth day of June in each year with information relating to the total weight of fish taken during each quarter of the preceding calendar year, and with information relating to the weight of each species of tuna taken during the preceding calendar year, by the Japanese vessels from the Designated Waters.

Article V

1. The Japanese authorities will take appropriate measures to ensure that the provisions of this Agreement are observed.

2. The Australian authorities may board Japanese vessels in the waters described in paragraph 1 of Article I of this Agreement, to ascertain that the provisions of the Agreement are being observed.

Article VI

1. Japanese vessels equipped for tuna long-line fishing may, until the twenty-seventh day of November, 1975, enter the Australian ports of Brisbane, Fremantle, Hobart and Sydney for the purpose of securing supplies.

2. Not later than the twenty-seventh day of May, 1975, the two Governments will consult with respect to the continued access after the twenty-seventh day of November, 1975, to Australian ports of Japanese vessels equipped for tuna long-line fishing.

Article VII

Upon the request of either Government, the two Governments will hold consultations regarding the operation of this Agreement.

Article VIII

Nothing in this Agreement shall be deemed to prejudice the position of either Government in regard to the jurisdiction of a coastal state over fisheries.

(ii) AGREED MINUTES

In connexion with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have agreed to record the following:

“1. It is understood that for the purposes of the Agreement the term ‘Australia’ in the expression ‘the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea’ also refers to the Territory of Norfolk Island, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island, the Territory of Ashmore and Cartier Islands, the islands in the Coral Sea within the area bounded on the north by 12° South Latitude, on the east by 157° 10’ East Longitude, on the south by 26° South Latitude and on the west by the outer edge of the Great Barrier Reef, and the island known as Pocklington Reef.

“2. It is understood that for the purposes of the Agreement the term ‘Japanese vessels’ means vessels that are registered in Japan but does not include vessels chartered for operations based in Australia, in the Territory of Papua, in the Trust Territory of New Guinea or in any of the islands mentioned in paragraph 1 of these Agreed Minutes.

“3. It is recognized that it might not be possible fully to prevent parts of long-lines from drifting and thereby taking fish in a manner inconsistent with the provisions of the Agreement. These cases, when verified, will not be regarded as infringements of the Agreement.

“4. It is understood that the amount of the payment referred to in paragraph 2 of Article III of the Agreement will in no case exceed an equivalent of one hundred Australian dollars (\$A 100) per vessel for any calendar year.”

(iii) AGREED MINUTES RELATING TO THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA

In connexion with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have held consultations concerning joint venture fishing enterprises in the Territory of Papua and the Trust Territory of New Guinea and have agreed to record the following:

1. (a) The Government of Japan intends to make every effort to see that joint venture fishing enterprises are established in the Territory of Papua and the Trust Territory of New Guinea.

(b) The Government of the Commonwealth of Australia will consider promptly and sympathetically all proposals submitted to it by Japanese interests for the establishment of such enterprises.

2. The consultations referred to in sub-paragraph B of paragraph 2 of Article 1 of the Agreement will be held not later than the twenty-seventh day of November, 1970, and will be conducted in the light of progress made by that time in establishing joint venture fishing enterprises.

3. The object of the enterprises referred to in paragraph 1 of these Agreed Minutes will be to fish principally for species other than crustaceans and molluscs.

4. The Australian representatives stated that the broad guideline of the policy of their Government is as follows:

Joint venture fishing enterprises are fishing enterprises -

(a) The ownership of which is shared by Japanese interests and by residents either of one of the Territories or of Australia;

(b) Which make a significant contribution to the development of a fishing industry in the Territory of Papua and the Trust Territory of New Guinea;

(c) Which contribute substantially to the economic development of those Territories; and

(d) Which provide substantial employment and technical training for the local residents and, where possible, actively involve the indigenous residents at all levels.

The Japanese representative took note of this Australian statement.

5. Entry into Rabaul by Japanese vessels equipped for tuna long-line fishing could be considered by the Government of the Commonwealth of Australia under special arrangements.

7. AGREEMENT ON FISHING AND CONSERVATION OF LIVING RESOURCES BETWEEN BRAZIL AND URUGUAY. SIGNED AT MONTEVIDEO ON 12 DECEMBER 1968¹

The President of the Federative Republic of Brazil and the President of the Eastern Republic of Uruguay,

¹ Portuguese text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

Considering the need to safeguard the living resources both of the sea waters adjacent to their respective countries and of the internal boundary waters against wasteful forms of exploitation which render difficult the renewal of such resources;

Considering that this need is of vital importance for the livelihood of the peoples of the respective countries;

Considering the desirability, in the spirit underlying the friendly relations that exist between Brazil and Uruguay, of promoting the development and expansion of forms of co-operation, both as regards fishing engaged in by nationals of the two countries and as concerns improvement of the techniques and equipment of the respective fishing industries;

Considering that such co-operation could make a substantial contribution to the conservation of the species and the better economic utilization of the fishery resources available to the respective countries;

Have decided to conclude this Agreement on Fishing and Conservation of Living Resources. . .

. . .

Article I

The High Contracting Parties declare that they regard the fishing and conservation of the living resources in the sea adjacent to their coasts and in the internal boundary waters as a matter of special importance and high priority.

Article II

In accordance with the provisions of the preceding article, the High Contracting Parties decide to establish, on a permanent basis, a Joint Brazilian-Uruguayan Commission on Fishing and Conservation of the Living Resources of the Sea and the Internal Boundary Waters.

Article III

The Joint Commission provided for in article II of this Agreement shall study and formulate conclusions with regard to matters of common interest relating to the fishing and conservation of the living resources in the waters of the sea adjacent to the coasts of the two countries and in the internal boundary waters and also draw up, as soon as possible, a Convention designed to promote, by means of appropriate technical regulations, the conservation of the species, so as to ensure an optimum sustainable yield. The said Convention shall prescribe measures for ensuring compliance with existing or future regulations in accordance with its provisions.

Article IV

In drafting the Convention referred to in article III of this Agreement, the High Contracting Parties shall, where possible, take due account of the provisions agreed upon in similar instruments to which they are parties and shall also endeavour to co-ordinate their action with similar action in the area, so as to promote the adoption of uniform multinational solutions.

Article V

The Joint Commission provided for in article II above shall be formally established within a period of 90 (ninety) days from the entry into force of this Agreement and may meet at any time by joint decision of the respective national delegations, transmitted through the Ministries of Foreign Affairs of the High Contracting Parties, or on the initiative of those Ministries.

Article VI

Each of the national delegations to the Joint Commission established under this Agreement shall consist of four representatives; the Chairman of the meetings shall be the representative of the country in whose territory they are held.

Article VII

Nothing in this Agreement shall be construed as affecting the rights and claims of the High Contracting Parties with respect to the sea adjacent to their coasts.

Article VIII

This Agreement shall be ratified and shall enter into force on the date of exchange of the instruments of ratification, which shall take place as soon as possible in the city of Rio de Janeiro.

Article IX

Either of the High Contracting Parties may denounce this Agreement at any time, but the Agreement shall not cease to have effect until six months after notice of denunciation has been given.

8. (i) CONVENTION SUR LA PÊCHE MARITIME ENTRE LE ROYAUME DU MAROC ET L'ESPAGNE SIGNÉE À FÈS LE 4 JANVIER 1969¹

Sa Majesté Hassan II, Roi du Maroc, et

Son Excellence le Chef de l'Etat Espagnol et Généralissime des Armées Nationales, Don Francisco Franco Bahamonde,

Persuadés de l'intérêt commun que pour les deux pays présente l'exploitation rationnelle des importantes ressources vivantes de la mer au long de leurs côtes, tout en assurant leur sauvegarde dans l'avenir,

Et désireux de définir un régime de pêche permanent qui profite aux nationaux de chacun des pays dans les eaux territoriales de l'autre, ont décidé de conclure la présente Convention

Article I

Les deux parties contractantes déclarent vouloir considérer le présent accord comme la charte nouvelle de leurs rapports en ce qui concerne l'exercice

¹ Royaume du Maroc, *Bulletin Officiel*, 28 mai 1969, p. 571 à 574.

du droit de pêche par leurs nationaux dans les eaux territoriales de l'autre Partie contractante.

Article 2

Les nationaux de chacune des parties pourront se livrer à la pêche dans les eaux territoriales de l'autre partie dans les conditions prévues par la présente Convention. A cet effet, les autorités maritimes compétentes délivreront les licences ou autorisations, conformément à leur législation respective, aux capitaines ou patrons de bâtiments qui en formuleront la demande.

Article 3

Pour l'application de la présente Convention, la mer territoriale au point de vue de la pêche comprend la zone adjacente à la côte qui s'étend jusqu'à une ligne parallèle distante de 12 milles de la ligne de base et définie à cet effet dans les articles suivants.

Article 4

La ligne de base retenue pour mesurer l'étendue des eaux territoriales respectives sera, en principe, la laisse de basse mer au long de la côte, telle qu'elle est indiquée sur les cartes à grande échelle officiellement reconnues par l'état riverain.

Article 5

Des lignes de base droites pourront être tirées dans ces endroits de la côte où, en raison de leur configuration spéciale, le Droit international le permettrait. Néanmoins, ces lignes droites ne pourront pas s'écarter en forme appréciable de la direction générale suivie par la côte.

Les points du fond qui émergent en marée basse ne pourront pas servir de référence pour le tracé de ces lignes droites.

Article 6

Si la distance entre les laisses de basse mer des deux points naturels d'entrée d'une baie n'excède pas 24 milles, la ligne droite tirée entre ces deux points pourra être retenue comme ligne de base.

Article 7

Les élargissements des eaux territoriales des parties qui pourraient avoir lieu à l'avenir conformément au Droit international ne modifieront en rien le régime établi par la présente Convention, sauf accord des deux parties contractantes.

Article 8

Pour l'application de la présente Convention, il sera requis:

- a) Que les bâtiments de pêche soient immatriculés sous le pavillon de l'une des parties;
- b) Que leurs propriétaires, armateurs, capitaines, patrons et tout autre personnel d'encadrement soient des nationaux de l'une des parties, ou, si

la législation de l'une des parties le prescrivait ainsi, des nationaux de la partie dont le bâtiment porte le pavillon. Dans le cas où le propriétaire ou l'armateur serait une société, son capital dans un pourcentage supérieur au 50 p. 100 et son contrôle effectif devront en outre revenir à des nationaux de l'une des parties; et

c) Que les équipages soient composés par des matelots nationaux des parties ou, s'il en était ainsi requis par la législation de l'une des parties, des nationaux de la partie dont le bâtiment porte le pavillon. A défaut de ceux-ci, les nationaux des pays tiers résidant en Espagne ou au Maroc pourront être admis comme matelots pourvu que leur nombre ne dépasse pas le cinquième du total de l'équipage.

Article 9

L'exercice de la pêche dans les eaux territoriales de chacune des parties se fera selon les procédés déterminés dans l'annexe I de la présente Convention et les lettres annexes à cette dernière.

Article 10

Les privilèges de pêche reconnus dans le présent accord aux nationaux de l'une ou l'autre des parties contractantes s'exercent dans le cadre et le respect des règlements internes de la pêche de chacune des deux parties.

Les parties contractantes s'engagent cependant à n'édicter aucune réglementation qui serait de nature à créer une discrimination préjudiciable aux nationaux de l'autre partie.

Pour montrer leur désir de maintenir dans ce domaine une étroite collaboration, chacune des deux parties contractantes s'engage à échanger avec l'autre partie toute information nécessaire de police et de contrôle dans ses eaux territoriales.

Article 11

Les parties se consulteront lorsque le progrès scientifique et technique en matière de pêche ou les recommandations des organismes internationaux compétents auront rapport à ce qui est établi dans les articles 9 et 10 et dans l'annexe I de cette convention; les parties pourront alors convenir des mesures appropriées.

Article 12

Si l'une des parties accordait à un Etat tiers un quelconque droit de pêche ou ayant rapport à la pêche non prévu dans la présente convention, la concession sera automatiquement étendue à l'autre partie.

Article 13

Une commission bipartite hispano-marocaine, dont les membres seront désignés par les Gouvernements des deux parties contractantes, se réunira tous les ans ou plus souvent à la demande de l'une des parties. Elle sera chargée d'étudier et de proposer aux Gouvernements de l'Espagne et du Maroc les mesures pertinentes pour faciliter l'application du présent accord et en

particulier la solution des divergences qui pourraient surgir entre les parties au sujet de son interprétation. Il est entendu que la Commission ne sera pas compétente pour juger des infractions individuelles constatées par les autorités de police maritime en matière de pêche.

Article 14

Après l'échéance d'une période de 10 ans à compter de la date d'entrée en vigueur de la présente convention, chacune des parties pourra solliciter de l'autre l'ouverture de négociations pour procéder à la révision éventuelle du régime de pêche en vigueur.

Article 15

Les parties contractantes s'engagent à développer leur coopération en matière de pêche et notamment à encourager la constitution d'organismes mixtes tel que prévu par l'annexe II de la présente convention.

Article 16

Le présent accord abroge les stipulations en matière de pêche contenues dans les conventions en vigueur entre l'Espagne et le Maroc.

Article 17

La présente convention devra être ratifiée par chacune des parties conformément à ses dispositions constitutionnelles et entrera en vigueur dès la date de l'échange des instruments de ratification.

ANNEXE I

Conformément à l'article 9 sont établies les dispositions suivantes :

1° Dispositions relatives aux eaux territoriales du Maroc

A) DANS LA ZONE COMPRISE ENTRE LA LIGNE DE BASE ET LA LIGNE DES 3 MILLES

Est uniquement autorisée la pêche avec des palangres de fond, flottantes et cerco (cette dernière exclusivement pour l'anchois-boqueron et avec les engins qui lui sont propres) pendant une durée de dix ans à partir de la date de l'entrée en vigueur du présent accord.

B) DANS LA ZONE COMPRISE ENTRE LA LIGNE DES 3 MILLES ET LA LIGNE DES 6 MILLES

Est permis l'emploi du chalut et du cerco sous réserve :

a) De respecter la législation du pays sur les eaux territoriales duquel le droit de pêche est exercé;

b) De limiter cette pêche à un tonnage de jauge brute de cinquante mille tonnes. La liste des bateaux autorisés sera fournie annuellement par l'administration espagnole;

c) De limiter l'exercice de ce privilège à 10 ans à compter de la date de l'entrée en vigueur du présent accord.

C) DANS LA ZONE COMPRISE ENTRE LA LIGNE DES 6 MILLES ET LA LIGNE DES 12 MILLES

Est permise la continuation de l'exercice de la pêche, avec l'emploi de toutes sortes d'engins, conformément à ce que le droit international entend par "droits historiques" en cette matière et dans le respect des règles établies par la législation marocaine.

2° *Dispositions relatives aux eaux territoriales de l'Espagne*

A titre de réciprocité l'Espagne consent aux nationaux du Royaume du Maroc l'exercice de la pêche dans les mêmes conditions qui sont accordées ci-dessus aux nationaux espagnols.

ANNEXE II

Coopération hispano-marocaine en matière de pêche conformément à l'article 16, il est prévu:

1. Promotion de sociétés mixtes d'armement à la pêche.

Dans ce cadre, l'industrie navale espagnole pourra contribuer efficacement aussi largement que possible par la fourniture d'unités de pêche à ces sociétés.

Celles-ci exerceront toutes activités de pêche soit dans les eaux territoriales des deux parties, conformément au présent accord, soit en haute mer.

2. Promotion de sociétés mixtes pour la commercialisation des produits de la pêche soit au Maroc ou en Espagne, soit à l'étranger.

3. Promotion d'industries de transformation des produits de la pêche en Espagne et au Maroc.

(ii) ÉCHANGE DE NOTES

I

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement aux dispositions de son article 9 et de son Annexe I, j'ai l'honneur de vous faire savoir que le Gouvernement marocain, désireux de faire preuve de la considération spéciale qu'il porte à l'exercice séculaire de la pêche par les bateaux espagnols dans ses eaux territoriales, a décidé que dans la zone comprise entre les 3 milles et les 6 milles et pendant la période de 10 années mentionnée à l'Annexe I de ladite Convention les réglementations internes du Maroc relatives à la jauge brute maximum des bâtiments de pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon espagnol, à l'exception de la pêche au chalut qui reste soumise à la législation interne marocaine.

Je vous saurais gré, Excellence, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des affaires étrangères

II

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note I]

J'ai l'honneur de vous confirmer l'accord du Gouvernement espagnol sur ce qui précède.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A. S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

III

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement aux dispositions de son article 9 et de son Annexe I, j'ai l'honneur de vous faire savoir que le Gouvernement marocain, désireux de faire preuve de la considération spéciale qu'il porte aux droits de pêche séculairement exercés par les bateaux espagnols dans ses eaux territoriales, a décidé que dans la zone comprise entre les 6 milles et les 12 milles les réglementations internes du Maroc relatives à la jauge brute maximum des bâtiments de pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon espagnol.

Je vous saurais gré, Excellence, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

IV

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note III]

J'ai l'honneur de vous confirmer l'accord du Gouvernement espagnol sur ce qui précède.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

V

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement à l'article 9 et à l'Annexe I de cette Convention, j'ai l'honneur de porter à votre connaissance que le Gouvernement espagnol, désireux de contribuer au développement des intérêts marocains relatifs à la pêche, a décidé que dans la zone de ses eaux territoriales comprise entre les 3 milles et les 6 milles et pendant la période de 10 années mentionnée à l'Annexe I de ladite Convention les réglementations internes de l'Espagne relatives à la jauge minimum des bâtiments autorisés à l'exercice de la pêche au chalut ne seront appliquées aux bâtiments immatriculés sous le pavillon marocain, à l'exception de la pêche au chalut qui reste soumise à la législation interne espagnole.

Je vous saurais gré, Monsieur le Ministre, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

VI

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note V]

J'ai l'honneur de vous confirmer l'accord du Gouvernement marocain sur ce qui précède.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

VII

Fès, le 4 janvier

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement à l'article 9 et à l'Annexe I de cette Convention, j'ai l'honneur de porter à votre connaissance

Gouvernement espagnol, désireux de contribuer au développement des intérêts marocains relatifs à la pêche, a décidé que dans la zone de ses eaux territoriales comprise entre les 6 milles et les 12 milles les réglementations internes de l'Espagne relatives à la jauge minimum des bâtiments autorisés à l'exercice de la pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon marocain.

Je vous saurais gré, Monsieur le Ministre, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

VIII

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note VII]

J'ai l'honneur de vous confirmer l'accord du Gouvernement marocain sur ce qui précède.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

9. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FISHING AND SEALING. SIGNED AT MOSCOW ON 13 JUNE 1969¹

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Having regard to the favourable development of relations between Finland and the USSR, founded on the 1948 Finnish-Soviet Treaty of Friendship, Co-operation and Mutual Assistance, and considering that the Government of the Soviet Union, in compliance with the wishes of the Government of the Republic of Finland, has expressed its willingness to permit Finnish fishermen to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland,

¹ United Nations, *Treaty Series*, vol. 739, no. 10606. Entered into force on 24 May 1970 in accordance with Article 14.

Have decided to conclude this Agreement and have appointed their plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1

The Government of the Union of Soviet Socialist Republics agrees to permit Finnish nationals to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland within areas (hereinafter referred to as "treaty areas") which are bounded by lines passing through the following points:

Treaty area A

1. Latitude 60° 15.6' north, longitude 27° 30.7' east—a point on the Finnish-Soviet State frontier in the Gulf of Finland indicated by frontier mark No. 14;

2. Latitude 60° 15.6' north, longitude 27° 50.6' east;

3. Latitude 60° 23.8' north, longitude 27° 50.6' east;

4. Latitude 60° 23.8' north, longitude 27° 44.0' east—turning point of the Finnish-Soviet State frontier, which is indicated by frontier mark No. 10, as shown on Soviet chart No. 403, 1968 edition, annexed to this Agreement (annex 1).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from frontier mark No. 10 to the point marked by a buoy situated at latitude 60° 22.3' north and longitude 27° 41.4' east.

Treaty area B

1. Latitude 60° 13.7' north, longitude 27° 27.8' east;

2. Latitude 60° 12.3' north, longitude 27° 18.0' east;

3. Latitude 60° 08.8' north, longitude 27° 04.6' east;

4. Latitude 60° 08.8' north, longitude 27° 27.8' east,

as shown on Soviet chart No. 403, 1968 edition, annexed to this Agreement (annex 1).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from the point situated at latitude 60° 13.7' north and longitude 27° 27.8' east to the point situated at latitude 60° 08.8' north and longitude 27° 04.6' east.

Treaty area C

1. Latitude 60° 05.4' north, longitude 26° 49.5' east;

2. Latitude 60° 08.8' north, longitude 26° 47.9' east;

3. Latitude 60° 06.8' north, longitude 26° 38.4' east;

4. Latitude 60° 06.4' north, longitude 26° 32.6' east;

5. Latitude 60° 02.0' north, longitude 26° 24.8' east;

6. Latitude 60° 02.0' north, longitude 26° 49.5' east, as shown on Soviet chart No. 404, 1968 edition, annexed to this Agreement (annex 2).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from the point situated at latitude 60° 05.4' north and longitude 26° 49.5' east to the point situated at latitude 60° 02.0' north and longitude 26° 24.8' east.

Article 2

Finnish nationals may engage in fishing and sealing in Soviet territorial waters in the treaty areas from 1 January to 31 December of each year in which the Agreement is in force.

In the period during which the sea is free of ice, the permissible types of fishing shall be net fishing from motor boats and row-boats, fishing by means of trawls and fishing by hook and line.

During the winter season, in treaty area A as defined in article 1, net fishing may be carried on underneath the ice and fishermen's huts may be brought to the fishing sites and used there for dwelling purposes.

Article 3

Finnish vessels engaged in fishing and sealing in the treaty areas shall, having regard to the provisions of this Agreement, be subject to the rules governing fishing and sealing in Soviet territorial waters and to the laws and regulations of the USSR relating to the presence of foreign vessels and foreign nationals in Soviet territorial waters.

Particulars of such laws, regulations and rules and of amendments and additions thereto shall be notified to the Finnish Party through the diplomatic channel.

Article 4

Finnish fishermen shall not exercise the right granted them to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland in cases where the competent Soviet authorities impose a temporary prohibition on all shipping in the treaty areas.

Article 5

For the guidance of fishermen, the areas of Soviet territorial waters in which Finnish nationals are entitled under this Agreement to engage in fishing and sealing shall be marked off by the Soviet Party with buoys and spar-buoys, the co-ordinates of which shall be indicated in the notices issued for navigators.

The Finnish Party undertakes to reimburse all expenses of the Soviet Party connected with the placing and maintenance of the floating navigational markers designating the treaty areas. The method of payment shall be determined by an agreement between the competent authorities of the two Parties.

Article 6

Finnish nationals engaged in fishing and sealing in the treaty areas shall have with them the following documents, which shall be drawn up in the Finnish and Russian languages:

(a) A fishing pass made out in the name of the owner of the vessel or vehicle (annex 3)¹, which shall indicate the area or areas in which the holder of the pass is entitled to engage in fishing or sealing;

(b) A freedom-of-movement permit (annex 4)¹, which must be in the possession of every person on board the vessel or vehicle;

Every person engaged in transporting a catch of fish or seals from the fishing site shall likewise be required to have a freedom-of-movement permit;

(c) A list of fishing gear and other cargo.

The documents and lists referred to in paragraphs (b) and (c) shall contain the necessary notations indicating the area or areas defined in this Agreement to which they relate.

The documents referred to in paragraphs (a) and (b) of this article shall be issued by the competent Finnish authorities. The said documents shall, together with the list referred to in paragraph (c), be certified by the Finnish frontier authorities.

The fishing pass, the freedom-of-movement permit and the list of fishing gear and other cargo shall be produced to the Soviet authorities upon request.

Article 7

The letter "S" and the fishing-pass number shall be painted in white characters on a black ground, the said characters being at least 15 centimetres high and at least 9 centimetres wide, on both sides of the bow of every vessel used for fishing or sealing in a treaty area. This designation may be replaced by the registration mark for fishing vessels of the Finnish Ministry of Agriculture: Suomi and the registration number. The home port of the vessel shall be shown on the stern.

Article 8

A list, certified by the Finnish frontier authorities, of the persons to whom the documents referred to in article 6 of this Agreement have been issued and a list of the fishing vessels and their numerical markings shall be transmitted by the Finnish frontier authorities to the Soviet frontier authorities, through the frontier commissioners, not later than 15 days before the beginning of each half year.

The frontier authorities of the Republic of Finland shall notify the frontier authorities of the USSR of all Finnish vessels proceeding to the treaty areas for purposes of fishing or sealing.

Article 9

Where necessary in order to ensure the safety of winter fishing and sealing operations and to prevent damage to fishing gear from movements of the ice,

¹Annexes are not reproduced.

the competent Finnish fisheries organization may dispatch to treaty area A, as defined in article 1, its rescue vessel stationed at Huovari Island, the said vessel being subject in all respects to the provisions of this Agreement.

Article 10

In the treaty areas fishing gear shall be considered to be adequately marked if, when drift-nets are being used, one end of the set of nets is attached to the vessel and the other end is marked by two signals. When fishing is carried on with fixed nets, two signals shall be attached to each end of the set of nets. In the case both of drift-net fishing and of fishing with fixed nets, the inner signals of the set of nets shall consist of white flags and the outer signals of red flags. The said flags shall measure 30 x 60 centimetres and shall be attached to floats rising at least two metres above the surface of the water.

Additional signals without flags shall be placed at intervals of 100 metres in the centre of each set of nets.

During the hours of darkness, the nets shall be marked with white signal-lights visible in all directions. The signal-lights shall be placed not less than 70 centimetres above the surface of the water and shall be visible for a distance of one nautical mile.

Article 11

Claims for compensation in respect of material damage caused to the Finnish Party by Soviet nationals in the treaty areas as a result of a violation of the fishing and sealing rules shall be submitted by the Agricultural Administration of Finland to the North-Western Administration of the Central Administration for the Conservation and Reproduction of Fish Stocks and Fisheries Regulation of the Ministry of Fisheries of the USSR (*Sevzaprybvod*).

Claims for compensation in respect of material damage caused to the Soviet Party by Finnish nationals in the treaty areas as a result of a violation of the fishing and sealing rules shall be submitted by the North-Western Administration of the General Administration for the Conservation and Reproduction of Fish Stocks and Fisheries Regulation of the Ministry of Fisheries of the USSR (*Sevzaprybvod*) to the Agricultural Administration of Finland.

Article 12

The Finnish Party shall bring to the attention of Finnish fishermen the fact that in the areas indicated in article 1 of this Agreement mines were laid during the Second World War and that, notwithstanding the fact that the said areas have been swept and opened for navigation, sunken mines may be present on the sea-bed, constituting a hazard to fishing and other vessels when they engage in trawling or cast anchor.

In such cases, the Soviet Party shall not be liable for damage to fishing and other vessels.

Article 13

Finnish nationals who, while fishing or sealing in the treaty areas, contravene the provisions of this Agreement may be deprived by the competent Soviet authorities of the right to engage in fishing or sealing in the said areas.

Article 14

This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Helsinki.

The Agreement is concluded for a term of five years and shall enter into force on the expiry of 30 days from the date of the exchange of the instruments of ratification.

If neither Contracting Party denounces the Agreement at least six months before the expiry of the said five-year term, it shall remain in force for successive one-year terms throughout an additional period of five years on condition that either Contracting Party may denounce the Agreement by giving notice to that effect at least six months before the expiry of the current one-year term.

10. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON RECIPROCAL FISHING PRIVILEGES IN CERTAIN AREAS OFF THEIR COASTS. SIGNED AT OTTAWA ON 24 APRIL 1970¹

The Government of the United States of America and the Government of Canada,

Considering that both Governments have established exclusive fishery zones,

Recognizing that fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones,

Deeming it desirable to establish the terms and conditions under which nationals and vessels of each of the two countries may conduct, on a reciprocal basis, commercial fishing operations within certain areas off their coasts, and

Having in mind the mutuality of interest on the part of the two countries in the conservation and rational exploitation of certain living marine resources off their coasts,

Have agreed as follows:

1. For the purposes of this agreement,

(a) The reciprocal fishing area of the United States of America shall be the fishing zone established in 1966 south of 63° north latitude;

(b) The reciprocal fishing area of Canada shall be as follows:

(i) In those "Areas" listed in Order-in-Council P.C. 1967-2025 and Order-in-Council P.C. 1969-1109, issued by the Government of Canada on 8 November 1967, and 11 June 1969, respectively, those waters extending 9 miles seaward of the territorial sea of Canada as it existed in 1966;

(ii) In those areas not listed in the Orders-in-Council cited above, those waters south of 63° north latitude which are contiguous to and extend from three to twelve miles from the coast of Canada, with the exception of bays where they cease to exceed 24 miles in breadth.

¹ United Nations, *Treaty Series*, vol. 752, no. 10777. Entered into force on 24 April 1970.

Nothing in this agreement shall affect waters other than those referred to in this paragraph.

2. Nationals and vessels of each country may continue to fish within the reciprocal fishing area of the other country, except that there shall be no such fishing for the following:

(a) Any species of clam, scallop, crab, shrimp, lobster or herring;

(b) Any salmon other than salmon taken by trolling off the Pacific coast northward from a line projected due west from the Cape Disappointment Light (46° 18' N) and southward from a line projected due west from the Cape Scott Light (50° 46.9' N).

Subject to its domestic legislation, each Government will continue to permit transfers of herring between nationals and vessels of the two countries within the reciprocal fishing areas west and north of a line drawn between Cape Sable, Nova Scotia, and Race Point, Massachusetts. The Governments agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction and, further, that they will meet within one year to assess the status of the herring stocks of the Bay of Fundy and the Gulf of Maine to determine whether restrictions on fishing or fish use are necessary.

3. Nationals and vessels of either country will not initiate fisheries within the reciprocal fishing area of the other country for species which are fully utilized by fishermen of the latter country. If fishermen of either country wish to initiate a fishery within any part of the reciprocal fishing area of the other country for species not fully utilized, their Government will first consult with the other Government and reach an understanding concerning conditions for such a fishery.

4. Regulations established by one country pertaining to the taking or possession of fish within its reciprocal fishing area shall apply equally to the nationals and vessels of both countries operating within such area. Such regulations shall be enforced by the Government which issued them. Should either Government consider it necessary to alter such fishery regulations, that Government shall notify the other Government of such proposed changes 60 days in advance of their application. Should such changes in fishery regulations require major changes in fishing gear an adequate period of time, up to one year, will be afforded the nationals and vessels of the other country to adapt to such changes prior to their application.

5. The two Governments recognize the importance of maintaining the fishery resources in their reciprocal fishing areas at appropriate levels. Both Governments agree to continue and expand co-operation in both national and joint research programmes on species of common interest off their coasts. The appropriate agencies of the two Governments will arrange for exchanges and periodic joint reviews of scientific information.

6. Nothing in this agreement shall prejudice the claims or views of either of the parties concerning internal waters, territorial waters, or jurisdiction over fisheries or the resources of the continental shelf; further, nothing in this agreement shall affect either bilateral or multilateral agreements to which either Government is a party.

7. This agreement shall remain in force for a period of two years. Representatives of the two Governments will meet annually or as mutually deemed necessary, but in any event prior to the expiration of the period of validity of this agreement, to review its operation and decide on future arrangements.

The two Governments further agree, in connexion with the provisions of paragraph 2 (b) of this agreement, to consult within one year regarding all matters of mutual concern related to the fisheries for Pacific salmon.

11. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN. SIGNED AT WASHINGTON ON 11 DECEMBER 1970¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the Western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interest, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and co-ordinating scientific research in the field of fisheries and the exchange of scientific data,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of co-ordinated research according to agreed programmes. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

(a) An exchange of scientific and statistical data, published works and the results of fishery research;

(b) Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will take the necessary steps to ensure that its competent agencies conduct the corresponding fishery research and develop the most rational fishing technology in accordance with a co-ordinated programme, which has been developed by the scientists of both countries.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction

¹ United Nations, *Treaty Series*, vol. 777, no. 11065. Entered into force on 1 January 1971 in accordance with article 10. See also the Protocol to this Agreement, constituting an integral part thereof, reproduced *infra* 17.

and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

(a) Refrain from fishing during the period from 1 January through 15 April, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following co-ordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
40° 05'	71° 40'
39° 50'	71° 40'
37° 50'	74° 00'
37° 50'	74° 25'
38° 24'	73° 44'
39° 40'	72° 32'

(b) Refrain from increasing the catch of red hake, silver hake, scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 34° North Latitude;

(c) Refrain, in the waters specified in sub-paragraph (b) of this paragraph, from conducting specialized fisheries for scup and flounders in all instances, and from increasing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;

(d) Refrain, in the waters specified in sub-paragraph (b) of this paragraph, from fishing menhaden during the period from January 1 through April 30;

(e) The provisions of sub-paragraphs (a), (b) and (c) of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Both Governments will take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

4. Fishing vessels of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

(a) during the period from November 15 through May 15

<i>North latitude</i>	<i>West longitude</i>
40° 44' 00''	72° 27' 00''
40° 38' 00''	72° 27' 00''
40° 34' 31''	72° 40' 00''
40° 32' 41''	72° 46' 26''
40° 32' 32''	72° 53' 26''
40° 36' 54''	72° 53' 26''
40° 40' 55''	72° 40' 00''

(b) during the period from September 15 through May 15

<i>North latitude</i>	<i>West longitude</i>
39°38'05''	74°02'06''
39°35'06''	73°55'24''
39°32'30''	73°57'18''
39°35'30''	74°04'00''

5. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
40°40'55''	72°40'00''
40°34'31''	72°40'00''
40°32'41''	72°46'26''
40°32'32''	72°53'26''
40°36'54''	72°53'26''

6. Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing and fishery research vessels of the other Government. This shall apply with respect to the procedure for presenting crew lists for the above-mentioned vessels and to the providing of fresh water, fuel and provisions.

7. Under conditions of force majeure, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing and fishery research vessels into its respective open ports after appropriate notification has been given.

8. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the western part of the Mid-Atlantic. Such visits may be arranged on mutually agreeable terms determined in each particular case by the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts and the chiefs of the joint fleet expeditions of the Main Administrations "ZAPRYBA" or "SEVRYBA" as appropriate.

9. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

10. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on 13 December 1968. The present Agreement shall enter into force on 1 January 1971, and shall remain in force through 31 December 1972. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements.

12. (i) EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE KING AND TANNER CRAB FISHERIES IN THE EASTERN BERING SEA. TOKYO, 11 DECEMBER 1970¹

THE AMBASSADOR TO THE MINISTER OF FOREIGN
AFFAIRS OF JAPAN²

Tokyo, 11 December 1970

Excellency:

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"Excellency:

I have the honour to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from 10 November to 24 November 1970, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king crab fishery in the eastern Bering Sea contained in the exchange of notes on 25 November 1964, as extended and modified by the exchange of notes on 29 November 1966, and 23 December 1968, respectively:

1. The Government of Japan holds the view that king crabs and tanner crabs are high seas fishery resources, and that nationals and vessels of Japan are entitled to continue fishing for king crabs and tanner crabs in the eastern Bering Sea.

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above as follows:

(1) The fisheries for king and tanner crabs by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the water which have been fished historically by Japan; that is, those waters in which migrate the crab stocks exploited in the past by Japan; provided that in order to avoid overfishing of the crab resources in the eastern Bering Sea, the Government of Japan ensures that the annual commercial catch of king crabs by nationals and vessels of Japan for the years 1971 and 1972 shall be equivalent to 37,500 cases respec-

¹ United Nations, *Treaty Series*, vol. 776, No. 11063. Entered into force on 11 December 1970.

² The note from the Minister of Foreign Affairs of Japan to the American Ambassador is not reproduced here since its translation appears in this American note.

tively (one case being equivalent to 48 half-pound cans) and that the annual commercial catch of tanner crabs by nationals and vessels of Japan for the years 1971 and 1972 respectively, shall not exceed 14,600,000 crabs with an allowance of 10 per cent.

- (2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.
- (3) The International Commission under the North Pacific Fishery Convention will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resources.
- (4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.
- (5) The two Governments shall meet before December 31, 1972, to review the operation of these arrangements and the condition of the king and tanner crab fisheries of the eastern Bering Sea, and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph, and the United States President's assurance of May 20, 1964, that full consideration would be given to Japan's long established fishery for king crab.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs
Tokyo

Appendix

A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of that number required to attain the 37,500 case quota, and any tanner crabs taken in excess of the agreed quota shall be returned immediately to the sea with a minimum of injury.

B. King crabs and tanner crabs shall not be taken in 1971 or 1972 by means of fishing gear other than pots and tanglenets. The stretched diagonal measure of tanglenet mesh shall be no less than 50 cms.

C. Unless otherwise agreed by the two Governments, only pots may be used to capture king and tanner crabs for commercial purposes in the area lying seaward of the United States territorial sea and within the following described boundaries: a line running from a point on the Bering Sea coast of the Alaska Peninsula due west along 55° 54' North Latitude to its intersection with a line passing between 56° 20' North Latitude, 163° 00' West Longitude and 55° 16' North Latitude, 166° 10' West Longitude, thence south-westerly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55° 16' North Latitude and 166° 10' West Longitude, thence south-easterly along the Cape Navarin-Sarichef line to Cape Sarichef.

(ii) AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connexion with the notes exchanged today between Ambassador Meyer and Foreign Minister Aichi concerning the king and tanner crab fisheries in the eastern Bering Sea:

1. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

2. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and wellbeing of the living resources thereof.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

For the United States Delegation:
Lester E. EDMOND

For the Japanese Delegation:
Yoshio OKAWARA

13. (i) EXCHANGE OF NOTES CONSTITUTING AGREEMENTS BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING CERTAIN FISHERIES OFF THE UNITED STATES COAST AND SALMON FISHERIES. TOKYO, 11 DECEMBER 1970¹

I

THE AMERICAN AMBASSADOR TO THE MINISTER OF FOREIGN AFFAIRS OF JAPAN²

Tokyo, 11 December 1970

Excellency:

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

“Excellency:

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America held in Tokyo from November 10 to November 24, 1970, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following arrangements which shall replace the previous arrangements contained in the exchange of notes on May 9, 1967, as extended and modified by the exchange of notes on December 23, 1968:

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing except such fishing as listed below in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

- (1) Crab fishing in the waters off St. George Island in the Pribilofs.
- (2) Dragnet and longline fishing in the waters off the Bering Sea Coast of the Aleutian Islands:
 - (a) Between 169° and 172° West longitude;
 - (b) West of 176° West longitude;
 - (c) From December 1 to May 31 inclusive, between 165° and 166° 45' West longitude;
 - (d) From February 16 to September 14 inclusive, between 166° 45' West longitude and 169° West longitude;
 - (e) From April 1 to October 31 inclusive, between 172° West longitude and 176° West longitude.

¹ United Nations, *Treaty Series*, Vol. 776, No. 11062. Entered into force on 11 December 1970.

² The note from the Foreign Minister of Japan to the American Ambassador is not reproduced here since its translation appears in this note.

- (3) Dragnet and longline fishing off the Pacific Coast of the Aleutian Islands:
 - (a) Between 169° and 172° West longitude;
 - (b) West of 178° 30' West longitude;
 - (c) From February 16 to September 14 inclusive, between 166° and 169° West longitude;
 - (d) From April 1 to October 31 inclusive, between 172° and 178° 30' West longitude.
- (4) Dragnet and longline fishing off St. George Island in the Pribilofs.
- (5) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, and Hawaii, Maui, Molokai, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.
- (6) Whaling in all waters off the coast of the State of Alaska except off the Pacific coast between 150° and 163° West longitude
 2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan shall be as follows:
 - (1) Near Destruction Island in the State of Washington in the waters between 47° 36' North latitude, and 47° 45' North latitude.
 - (2) Near Forrester Island in the State of Alaska in the waters bounded on the north by 54° 54' North latitude on the east by 133° 16' West Longitude, and on the south by 54° 44' North latitude.
 - (3) On the east side of Kayak Island in the State of Alaska in the waters between 59° 48' and 59° 56' North latitude west of 143° 53' West longitude and on the west side of Kayak Island in the waters between 59° 52' and 60° 07' North latitude east of 145° West longitude.
 - (4) North of Tonki Cape on Afognak Island in the State of Alaska in the waters bounded on the north by 58° 25' North latitude, on the west by 152° 02' West longitude and on the east by 151° 52' West longitude.
 - (5) Near the Semidi Islands in the State of Alaska in the waters between 56° North latitude and 56° 19' North latitude.
 - (6) On the west side of Sanak Island in the State of Alaska in the waters bounded on the north by 54° 36' North latitude, on the south by 54° 26' North latitude, on the west by 163° 05' West longitude and on the east by 162° 40' West longitude.
 - (7) On the north side of Unalaska Island in the State of Alaska in the waters between 167° 30' West longitude and 167° 35' West longitude.
 - (8) On the north side of St. Matthew Island, Alaska in the Bering Sea in the waters between 172° 29' West longitude and 172° 46' West longitude, and on the south side of St. Matthew Island in the waters between 172° 17' West longitude and 172° 35' West longitude and in the waters between 172° 54' West longitude and 173° 04' West longitude.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal State over fisheries.

4. The present arrangements shall be effective as of January 1, 1971, and shall continue in effect until December 31, 1972, provided that in regard to the fishing as specified in paragraph 1 (2) (c), the present arrangements shall continue in effect until May 31, 1973. The two Governments shall meet before December 31, 1972, to review the operation of the present arrangements and to decide on future arrangements.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.''

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs, Tokyo

II

THE AMERICAN AMBASSADOR TO THE MINISTER OF FOREIGN AFFAIRS OF JAPAN¹

Tokyo, December 11, 1970

Excellency,

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"Excellency:

With reference to the notes exchanged today between Your Excellency and myself concerning certain fisheries off the coast of the United States of America, I have the honor to confirm, on behalf of the Government of Japan, the following understanding reached between the representatives of the two Governments concerning salmon fishing.

With regard to the salmon fishing carried out in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured west of the provisional lines specified in the International Convention for the High Seas Fisheries of the North Pacific Ocean, each Government will pay due regard to the position maintained by the other with respect to the interpretation and implementation of the said Convention.

¹ The note from the Foreign Minister of Japan to the American Ambassador is not reproduced here since its translation appears in this note.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understanding on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

I avail myself etc."

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs, Tokyo

III

THE MINISTER OF FOREIGN AFFAIRS OF JAPAN TO THE AMERICAN AMBASSADOR¹

Tokyo, 11 December 1970

Excellency,

I have the honour to refer to the arrangements set forth in the notes exchanged today between us concerning certain fisheries off the coast of the United States of America and to inform Your Excellency of the following:

The Government of Japan will take necessary measures to ensure that, with a view to preventing conflict of fishing gear during periods of high concentration of such gear, nationals and vessels of Japan will not, during the duration of the above-mentioned arrangements, engage in the following fishing in the waters and during the periods specified below respectively:

1. Dragnet and longline fishing from August 20 to April 30 of the following year inclusive:

Off Kodiak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed:

(i) <i>North latitude</i>	<i>West longitude</i>
57° 15'	154° 51'
56° 57'	154° 34'
56° 21'	155° 40'
56° 26'	155° 55'
57° 15'	154° 51'

¹ Translation by the Government of the United States of America.

(ii)	<i>North latitude</i>	<i>West longitude</i>
	56° 27'	154° 06'
	55° 46'	155° 27'
	55° 40'	155° 17'
	55° 48'	155° 00'
	55° 54'	154° 55'
	56° 03'	154° 36'
	56° 03'	153° 45'
	56° 30'	153° 45'
	56° 30'	153° 49'
	56° 27'	154° 06'
(iii)	<i>North latitude</i>	<i>West longitude</i>
	56° 30'	153° 49'
	56° 30'	153° 00'
	56° 44'	153° 00'
	56° 57'	153° 15'
	56° 45'	153° 45'
	56° 30'	153° 49'
(iv)	<i>North latitude</i>	<i>West longitude</i>
	57° 05'	152° 52'
	56° 54'	152° 52'
	56° 46'	152° 37'
	56° 46'	152° 20'
	57° 19'	152° 20'
	57° 05'	152° 52'
(v)	<i>North latitude</i>	<i>West longitude</i>
	57° 35'	152° 03'
	57° 11'	151° 14'
	57° 19'	150° 57'
	57° 48'	152° 00'
	57° 35'	152° 03'
(vi)	<i>North latitude</i>	<i>West longitude</i>
	58° 00'	152° 00'
	58° 00'	150° 00'
	58° 12'	150° 00'
	58° 19'	151° 29'
	58° 00'	152° 00'

2. Dagnet and longline fishing from September 15 to February 15 of the following year inclusive:

Off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
54° 10'	163° 04'
53° 28'	166° 00'
54° 00'	166° 00'
54° 00'	165° 00'
54° 33'	164° 00'
54° 33'	163° 04'
54° 10'	163° 04'

3. Dragnet and longline fishing during the first 15 consecutive days of the halibut fishing season in the following areas. Information as to the dates of the first 15 consecutive days of the season shall be provided no less than one month in advance to the Government of Japan by the Government of the United States of America:

- (1) The area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
59° 28'	150° 00'
59° 28'	147° 41'
58° 30'	148° 30'
58° 42'	150° 20'

- (2) The area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
58° 05'	150° 27'
58° 05'	148° 47'
57° 40'	150° 05'

- (3) The area seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
56° 24'	156° 30'
56° 18'	155° 48'
55° 31'	156° 04'
55° 30'	156° 31'

4. Dragnet and longline fishing throughout the year in the waters off the coast of the State of Washington between 46° 14' North latitude and 46° 56' North latitude landward of the isobath of 110 metres.

5. Dragnet fishing during the period specified below, or in the event the Government of Japan is informed by the Government of the United States of America no less than one month in advance of a change in the halibut fishing season, the first 6 consecutive days of such season in each of the

following three areas respectively bounded by straight lines connecting the coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
(Polaris Grounds March 22-27 inclusive)	
55° 04'	167° 18'
54° 44'	166° 14'
54° 30'	166° 24'
54° 34'	167° 14'
54° 50'	167° 38'
(Misty Moon Grounds March 22-27 inclusive)	
56° 18'	170° 24'
56° 20'	169° 03'
56° 12'	168° 46'
55° 56'	169° 10'
55° 56'	170° 24'
(Corridor Grounds March 17-22 inclusive)	
58° 32'	175° 52'
58° 40'	174° 20'
57° 02'	173° 00'
56° 52'	173° 44'

I avail myself etc.

Kiichi AICHI
Minister for Foreign Affairs
of Japan

His Excellency
Armin H. Meyer
Ambassador Extraordinary and
Plenipotentiary of the United States
of America

(ii) AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connexion with the notes exchanged today between Ambassador Meyer and Foreign Minister Aichi concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Foreign Minister Aichi of today's date concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Foreign Minister Aichi of today's date concerning dragnet and longline fishing in certain waters:

1. It is agreed that for the purposes of the arrangements set forth in the above-mentioned notes the term "the United States of America" does not include the Trust Territory of the Pacific Islands.

2. The Japanese representative stated that fishing effort by Japanese nationals and vessels in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured (hereinafter referred to as "the Waters") would not exceed the level of 1966 and that, with respect to dragnet fishing in the Waters, there would be no marked change in the present method of operating the fishing gear.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

4. It is agreed that, with respect to areas of heavy concentration of fishing operations of both countries, each Government will take appropriate measures aimed at prevention of damage to fishing gear of the vessels of both countries, including measures for improvement of the means for marking fixed gear, measures to ensure that fixed gear is set with due regard for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear.

5. It is recognized that it might not be possible to fully prevent parts of longlines used in the tuna fishery from unintentionally and accidentally drifting into that part of the Waters where the Japanese Government agrees to ensure that Japanese nationals and vessels will not engage in the tuna fishery. Such cases as described above, when verified by the circumstances, will not be regarded as infringements of the above-mentioned arrangements.

6. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

7. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof.

8. The Japanese representative stated that when fishing for tuna in the Waters Japanese tuna fishermen would not attempt to seek out concentrations of billfishes.

9. The Japanese representative stated that salmon fishing operations of nationals and vessels of Japan in the Waters would be conducted paying due regard to the conditions of the runs of salmon of Bristol Bay origin. The two Governments will hold consultations, if necessary on the problem of fishing for salmon of Bristol Bay origin.

10. The Japanese representative took cognizance of the existing bilateral agreements between the US and USSR and Poland with respect to certain species of fish in the Mid-Atlantic area on the high seas off the coast of the United States of America. The said representative stated that the target species of nationals and vessels of Japan operating in the area concerned consisted mainly of such species as butterfish, squid and argentine, species which are not covered by the said agreements, and that they would not harvest those

particular species covered by the agreements to such an extent as to impair the objectives of the said agreements.

For the United States Delegation:

Lester E. EDMOND

For the Japanese Delegation:

Yoshio OKAWARA

14. (i) EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF JAPAN AND THE COMMONWEALTH OF AUSTRALIA CONCERNING THE FISHERY IN THE AREA OFF THE COASTS OF THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA. TOKYO, 25 DECEMBER 1970¹

I

JAPANESE NOTE

Tokyo, 25 December 1970

Excellency,

I have the honour to refer to the consultations between the representatives of the Government of Japan and the Government of the Commonwealth of Australia recently held in Tokyo pursuant to the Agreement² on Fisheries between Japan and the Commonwealth of Australia signed on 27 November 1968 and to the understanding embodied in the Agreed Minutes² relating to the Territory of Papua and the Trust Territory of New Guinea of the same date. In these consultations the representatives of the two Governments reviewed the progress made in establishing joint venture fishing enterprises in the Territory of Papua and the Trust Territory of New Guinea. I have further the honour to confirm on behalf of the Government of Japan the following understanding reached as a result of such consultations:

1. Japanese vessels may engage in tuna long-line fishing in accordance with the provisions of the said Agreement in the waters specified in paragraph 28 of Article I thereof until 27 November 1973 or such later date as may be agreed in consultations between the two Governments.

2. The consultations referred to in paragraph 1 above will be held not later than 27 November 1974, and will be conducted in the light of progress made by that time in establishing joint venture fishing and fish processing enterprises.

¹ Entered into force on 25 December 1970.

² See *supra* 6.

I should be grateful if Your Excellency would confirm the foregoing understanding on behalf of the Government of the Commonwealth of Australia.

I avail myself etc.

(Signed) Kiichi AICHI
Minister for Foreign
Affairs of Japan

His Excellency
Mr. Gordon Freeth
Ambassador Extraordinary and
Plenipotentiary of the
Commonwealth of Australia
to Japan

II

AUSTRALIAN NOTE

25 December 1970

Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date, which reads as follows:

“*[Japanese Note]*”

I have further the honour to confirm on behalf of the Government of the Commonwealth of Australia the understanding set forth in Your Excellency's Note.

I avail myself etc.

(Signed) Gordon FREETH
Ambassador

His Excellency
Mr. Kiichi Aichi
Minister for Foreign Affairs
Tokyo

(ii) AGREED MINUTES

The representative of the Government of Japan and the Government of the Commonwealth of Australia have agreed to record the following in connexion with the Notes exchanged today between the Minister for Foreign Affairs of Japan and the Ambassador Extraordinary and Plenipotentiary of the Commonwealth of Australia to Japan:

1. The representatives of the Government of Japan confirmed the intention of their Government to make every effort to see that joint venture fishing enterprises are established in the Territory of Papua and the Trust Territory

of New Guinea, particularly in relation to skipjack tuna fishing, and if possible in other fisheries such as coastal fisheries.

2. The representatives of the Government of the Commonwealth of Australia expressed a desire to foster the establishment of large-scale integrated operations in the Territory of Papua and the Trust Territory of New Guinea for the processing of fisheries products, including the manufacture of cans and canning, and fisheries by-products. They stated that their Government would welcome the participation of Japanese interests in establishing the above-mentioned operations, particularly in the Madang area.

3. The representatives of the Government of Japan stated that their Government had the intention to undertake as soon as possible feasibility studies in relation to fishery industry in the Madang area taking into full account the desire expressed by the representatives of the Government of the Commonwealth of Australia in this connexion.

4. The representatives of the Government of the Commonwealth of Australia stated that their Government would continue to consider promptly and sympathetically all proposals submitted to it by Japanese interests for the establishment of joint venture fishing enterprises.

5. It is understood that Japanese fishing vessels equipped for tuna long-line fishing may enter the ports of Rabaul and Madang until 31 December 1973. In the light of progress made in the matters referred to in paragraph 3, above, the Government of the Commonwealth of Australia will consider the extension of this period.

6. The representatives of the two Governments stated that it would be desirable that joint venture companies operate in such a manner as to contribute to the welfare of the people of the Territory of Papua and the Trust Territory of New Guinea.

7. The representatives of the Government of the Commonwealth of Australia stated that their Government had the obligation to give due consideration in the matters dealt with herein to the views expressed by the House of Assembly and the Administrators' Executive Council established by the Papua and New Guinea Act 1949-1968 of the Commonwealth of Australia.

The representatives of the Government of Japan took note of the above statement.

Tokio, 25 December 1970

For the Government of Japan:
(Signed) Kiichi AICHI

For the Government of the Commonwealth
of Australia:
(Signed) Gordon FREETH

15. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON PROVISIONAL RULES OF NAVIGATION AND FISHERIES SAFETY IN THE NORTHEASTERN PACIFIC OCEAN OFF THE COAST OF CANADA. DONE AT MOSCOW ON 22 JANUARY 1971¹

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

Considering it necessary to ensure the safety of life of fishermen and,
Desiring to establish good order in carrying out fishing operations in the northeastern Pacific Ocean off the coast of Canada,

Have agreed as follows:

Article I

Fishing operations by citizens and vessels of the two Parties shall be carried out in compliance with the Provisional Rules of Navigation and Fisheries Safety in the Northeastern Pacific Ocean off the Coast of Canada, hereinafter referred to as the "Rules", the text of which is attached hereto and forms an integral part of this Agreement.

Article II

In the "Rules", "fishing vessel" or "vessel" means any vessel engaged in the business of catching fish or of fish processing or in any operation connected with supplying or servicing such vessels.

Article III

The "Rules" shall apply eastward of 135 degrees 00 minutes west longitude and between 48 degrees 20 minutes north latitude and 54 degrees 10 minutes north latitude.

Article IV

Nothing in this Agreement shall be deemed to affect the rights, claims or views of either Party in regard to the limits of territorial waters or national fisheries limits, jurisdiction over fisheries, or the conduct of fishing on the high seas.

Article V

This Agreement shall enter into force on April 15, 1971.

The Agreement shall continue in force for a period of two years. If no Contracting Party gives notice six months before the expiration of the Agreement of its intention to terminate or amend the Agreement, then it shall be extended automatically for a further period of two years.

¹ Entered into force on 15 April 1971 in accordance with Article V. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

PROVISIONAL RULES OF NAVIGATION
AND FISHERIES SAFETY IN THE NORTHEASTERN PACIFIC OCEAN
OFF THE COAST OF CANADA

The "Rules" shall apply eastward of 135 degrees 00 minutes west longitude and between 48 degrees 20 minutes north latitude and 54 degrees 10 minutes north latitude.

1. Identification and marking of fishing vessels

1.1. Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities, including captains of fishing vessels.

1.2. The nationality of fishing vessels shall not be concealed in any manner whatsoever.

1.3. Fishing vessels of the two countries shall be registered and carry identification marks to ensure their prompt identification at sea.

1.4. Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, name of the port of registration, as well as the name of the owner of the vessel.

1.5. The Parties shall officially inform each other of their practices of marking vessels with registration letters and numbers, and name of the port of registration. Each Party shall immediately inform the other of any changes.

2. Marking of nets, longlines and other fishing gear

...

3. Additional visual and sound signals to be used by fishing vessels

...

4. Conduct of fishing operations

4.1. In addition to complying with the International Regulations for Preventing Collisions at Sea (1960), all vessels shall conduct their operations so as not to interfere with the operations of other fishing vessels or fishing gear.

4.2. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall ascertain, through the authorized officers of their country or by any other convenient means, the position and extent of fishing gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

4.3. No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

...

4.5. The vessels engaged in trawling, as well as all the other vessels with fishing gear in motion, shall take all possible steps to avoid collisions, entanglement of fishing gear and anchor devices of other vessels on the fishing grounds.

4.6. In order to prevent damage of fishing gear all fishing vessels engaged in trawling as well as all other fishing vessels with fishing gear in motion shall be directed by the following:

4.6.1. Not to come up to a vessel which is drifting with fishing gear, shooting or hauling fishing gear, closer than two cables;

4.6.2. When choosing the direction and place for shooting the wires, paying out a purse seine or Danish seine, the navigators shall not interfere with the operations of the other vessels with trawling gear in motion, or drifting, shooting or hauling their fishing gear;

...

4.12. Except in cases of force majeure no vessel shall dump in the sea any articles or substances or remains of synthetic materials and fishing gear which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

4.13. No vessel shall use or have on board explosives intended for the catching of fish.

5. *Officers authorized to observe and implement the "Rules"*

5.1. To observe whether the present "Rules" are being complied with by the fishing vessels of the two countries, the Parties shall appoint authorized officers. The Parties shall inform each other of the names of these authorized officers, their office addresses (including telecommunications address) or the names and radio call signs of the vessels which carry such officers and the means and schedule of their contact, including the means of emergency contact.

5.2. The authorized officer shall carry a document of identity written in English and Russian which shows his full name and service rank. This document shall be signed in Canada by the Director of Fisheries, Pacific Region, and in the Union of Soviet Socialist Republics by the Chief, Far Eastern Board for Fisheries "DALRYBA", respectively.

5.3. Ships carrying authorized officers shall fly a flag signal consisting of a combination of a figure pennant and a flag of the International Code of Signals "8X".

5.4. The authorized officers may contact vessels and each other from surface ships only.

5.5. If an authorized officer has reason to believe that a vessel of the other Party is not complying with the provisions of the present "Rules" he shall immediately inform an authorized officer of the other Party, in as much detail as possible as to the place of the incident, the main facts and peculiarities of the incident, and his proposals for measures to eliminate infringements of the "Rules" and to reach a mutual solution to the problem.

...

5.7. The authorized officers shall maintain continual contact and notify each other of the places of concentrations of their fishing fleets, and of immovable fishing gear; in every case they shall supplement their information by the data necessary to provide for safety in fisheries.

16. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CO-OPERATION IN FISHERIES IN THE NORTH-EASTERN PACIFIC OCEAN OFF THE COAST OF CANADA. DONE AT MOSCOW ON 22 JANUARY 1971¹

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

Being mutually interested in providing for the conduct of fishing operations in the northeastern Pacific Ocean off the coast of Canada with due respect to their interests,

Considering it desirable to create favourable conditions and proper order for conducting fishing operations by citizens and fishing vessels of the two countries in the above area,

Recognizing the need to conduct fishing operations in the above area on a scientific basis with due regard to conservation of fish stocks, and

Taking into consideration the desirability of developing and co-ordinating fisheries investigations and of exchanging scientific and fisheries data between the two countries,

Have agreed as follows:

Article I

Fisheries research in the northeastern part of the Pacific Ocean on species of fish and invertebrates of common interest may be conducted both on a national basis and in the form of co-operative investigations.

The competent agencies of the two Governments will arrange for the exchange of scientific data, fisheries data and results of research on the fisheries, for meetings of scientists and, when appropriate, for participation by scientists of each Government in investigations carried out on board research vessels of the other Government.

Co-operative fisheries investigations off the Pacific coast of Canada will be carried out in accordance with co-ordinated plans. Cruise plans of research vessels engaging in such investigations will be exchanged and confirmed in advance of actual operations, by correspondence between appropriate officials.

Article II

The Government of the Union of Soviet Socialist Republics shall take the necessary steps to ensure that its citizens and vessels abstain from fishing with trawls in the area adjacent to the territorial sea of Canada and bounded by straight lines connecting the following co-ordinates in the order as given below:

¹ Entered into force on 19 February 1971 in accordance with Article IX. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

<i>North latitude</i>	<i>West longitude</i>
48 degrees 54 minutes	126 degrees 00 minutes
48 degrees 41 minutes	126 degrees 00 minutes
48 degrees 27 minutes	125 degrees 40 minutes
48 degrees 27 minutes	125 degrees 25 minutes
48 degrees 34 minutes	125 degrees 17 minutes

Article III

The Government of Canada will permit fishing vessels of the Union of Soviet Socialist Republics to conduct fishing with trawls in the territorial sea of Canada between 3 and 12 miles from the baseline from which the Canadian territorial sea is measured in the area off the west coast of Moresby Island between 52 degrees 23 minutes north latitude and 52 degrees 56 minutes north latitude.

Each fishing vessel of the Union of Soviet Socialist Republics must notify in advance the Canadian Director of Fisheries, Pacific Region, or the Captain of a Canadian fisheries vessel designated by the Director, of the name of the vessel and date of arrival in the area.

Article IV

The two Governments shall take the necessary steps to ensure that fishing operations by citizens and vessels of the two Parties are conducted in compliance with the Agreement between the Government of Canada and the Government of the Union of Soviet Socialist Republics on provisional rules for navigation and fisheries safety in the northeastern Pacific Ocean off the coast of Canada, signed on January 22, 1971.¹

Article V

The two Governments shall take appropriate steps to ensure, so far as may be practicable, that wastes resulting from fishing operations are not discarded at sea in depths of less than 1000 metres and that no fishing gear or parts thereof are discarded at sea.

Article VI

The Government of Canada will permit supply vessels (tankers, refrigerated and common transports) of the fishing fleet of the Union of Soviet Socialist Republics to call at the ports of Prince Rupert and Vancouver, British Columbia, for the purpose of obtaining water, provisions and other supplies, in accordance with the customs and immigration laws of Canada.

Article VII

The Government of Canada will permit fishing vessels of the Union of Soviet Socialist Republics and their service vessels to conduct loading and unloading operations in Tasu Sound and in the territorial sea of Canada off the west coast of Moresby Island between 52 degrees 23 minutes north latitude and 52 degrees 56 minutes north latitude.

¹ *Supra* 15.

Such vessels will be permitted to enter Tasu Sound through an entrance corridor of Canadian internal waters extending 2 miles to the south and 2 miles to the north of the centre line of the entrance to Tasu Sound.

To ensure safe navigation each fishing or service vessel of the Union of Soviet Socialist Republics must notify the Canadian Director of Fisheries, Pacific Region, through the radio stations at Victoria, Tofino or Bull Harbour, preferably twelve hours but in no case less than two hours in advance of its expected time of arrival at the entrance to Tasu Sound.

Article VIII

Nothing in this Agreement shall be deemed to affect the rights, claims or views of either Party in regard to the limits of territorial waters or national fisheries limits, jurisdiction over fisheries, or the conduct of fishing on the high seas.

Article IX

The present Agreement shall enter into force on February 19, 1971, and remain in force for two years.

Representatives of the two Governments shall meet at a mutually acceptable time before the expiration of the present Agreement in order to review the effectiveness of the Agreement and to consider further measures.

17. PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN. SIGNED AT WASHINGTON ON 2 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering that interim measures are necessary for the conservation and protection of the stocks of river herring,

Considering that a common understanding is desirable on implementation of paragraph 6 of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean,² hereinafter referred to as the Agreement,

Noting the discussions on these matters during the meeting of the two Governments in Washington in December 1970, and

Taking into account the provisions of paragraph 10 of the Agreement, Have agreed to the following:

1. The Government of the Union of Soviet Socialist Republics will take appropriate measures to ensure that its citizens and vessels will limit their

¹ United Nations, *Treaty Series*, Vol. 792, No. A-11065. Entered into force on 7 February 1971 in accordance with article 3.

² *Supra* 11.

catch of river herring so that it will not exceed 4,000 metric tons in each year in the waters specified in subparagraph (b) of paragraph 2 of the Agreement.

2. The Government of the United States of America, in implementation of paragraph 6 of the Agreement, will take appropriate measures to ensure the following:

(a) The provisions of paragraph 6 shall apply to the entry of not more than four Soviet fishing vessels or fishery support vessels each month into each of the ports of Baltimore and Philadelphia. In addition, and without regard to the foregoing, special provisions shall be made as necessary in furtherance of paragraph 6 regarding the entry of Soviet research vessels which are engaged in a mutually agreed research programme in accordance with the terms of paragraph 1 of the Agreement.

(b) The Government of the United States will accept applications for entry into the ports of Baltimore and Philadelphia pursuant to paragraph 6 either at the American Embassy in Moscow or at the Department of State in Washington at least seven days prior to entry. Applications may be made in Washington either by the Soviet Embassy or by a commercial shipping agent designated by the appropriate Soviet authorities.

(c) The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of paragraph 6. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. An application for port entry under subparagraph (b) of this paragraph shall specify if shore leave is requested under such a multiple entry visa.

(d) Subject to the provisions of the Agreement and this Protocol, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

(e) Each of the above understandings may be modified by mutual consent at any time.

3. The above provisions shall form an integral part of the Agreement. This Protocol shall enter into force on 7 February 1971, and shall remain in force during the period of validity of the Agreement, subject to the provisions of paragraph 10 thereof.

18. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF CERTAIN FISHERIES PROBLEMS IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN OFF THE COAST OF THE UNITED STATES OF AMERICA. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually interested in having the fisheries in the north-eastern part of the Pacific Ocean off the coast of the United States conducted with due attention to their respective interests, and

Considering it desirable that the fisheries in the said area be conducted with due regard to the conservation of fish stocks, and that measures be taken to prevent damage to the fishing gear used by fishermen of the two countries,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of co-ordinated research according to agreed programmes. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

(a) An exchange of scientific and statistical data, published works and the results of fishery research;

(b) Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for research vessels of the other Government engaged in joint research.

2. Fishing vessels of the Soviet Union may fish and conduct loading operations within the nine-mile zone contiguous to the territorial sea of the United States in the following areas:

(a) In the Gulf of Alaska between 140° 30' west longitude and 142° 30' west longitude.

(b) Off the Bering Sea coast of the Aleutian Islands:

(1) Between 169° and 172° west longitude;

(2) West of 176° west longitude;

(3) From 16 February to 14 September inclusive, between 165° and 169° west longitude;

(4) From 1 April to 31 October inclusive, between 172° and 176° west longitude.

¹ United Nations, *Treaty Series*, Vol. 777, No. 11066. Entered into force on 12 February 1971.

(c) Off the Pacific Ocean coast of the Aleutian Islands:

- (1) Between 169° and 172° west longitude;
- (2) West of 178° 30' west longitude;
- (3) From 16 February to 14 September inclusive, between 166° and 169° west longitude;
- (4) From 1 April to 31 October inclusive, between 172° and 178° 30' west longitude.

Fishing effort in these areas will not exceed 1966 levels. In this connexion, statistics on fishing effort and catches by species in these areas will be provided on a regular basis.

3. In addition, fishing vessels of the Soviet Union may conduct loading operations in the following areas within the nine-mile zone contiguous to the territorial sea of the United States:

(a) On the north side of Nunivak Island in the Bering Sea between 166° 39' and 166° 51' west longitude, and on the south side of Nunivak Island between 165° 49' and 166° 01' west longitude.

(b) On the north side of St. Matthew Island in the Bering Sea between 172° 29' and 172° 46' west longitude and on the south side of St. Matthew Island between 172° 17' and 172° 35' west longitude and between 172° 54' and 173° 04' west longitude.

(c) On the north side of Unalaska Island between 167° 30' and 167° 35' west longitude.

(d) On the west side of Sanak Island in the waters bounded on the north by 54° 36' north latitude, on the south by 54° 26' north latitude, on the west by 163° 05' west longitude, and on the east by 162° 40' west longitude.

(e) Near the Semidi Islands in the Gulf of Alaska between 56° and 56° 19' north latitude.

(f) North of Marmot Island in the Gulf of Alaska between 151° 42' and 151° 52' west longitude.

(g) On the east side of Kayak Island in the Gulf of Alaska between 59° 52' and 59° 56' north latitude west of 143° 53' west longitude, and on the west side of Kayak Island between 59° 36' and 60° 00' north latitude.

(h) Near Forrester Island in the waters bounded on the north by 54° 54' north latitude, on the east by 133° 16' west longitude, and on the south by 54° 44' north latitude.

4. The Government of the Soviet Union will adopt the measures necessary to ensure that nationals and vessels of the Soviet Union:

(a) Refrain from fishing in the waters off the Pacific coast of the United States between 46° 14' and 46° 56' north latitude landward of the isobath of 110 metres;

(b) Refrain from concentrating fishing vessels during the period from 15 June to 15 September inclusive, between 47° 54' and 48° 28' north latitude east of 125° 10' west longitude;

(c) During the period 7 May to 21 May inclusive, refrain from fishing in the following areas:

(1) The area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
59° 28'	150° 00'
59° 28'	147° 41'
58° 30'	148° 30'
58° 42'	150° 20'
59° 28'	150° 00'

(2) The area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
58° 05'	150° 27'
58° 05'	148° 47'
57° 40'	150° 05'
58° 05'	150° 27'

(3) The waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
56° 24'	156° 30'
56° 18'	155° 48'
55° 31'	156° 04'
55° 30'	156° 31'
56° 24'	156° 30'

(d) During the period September 15 to February 15 inclusive, refrain from trawling in the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
54° 10'	163° 04'
53° 28'	166° 00'
54° 00'	166° 00'
54° 00'	165° 00'
54° 33'	164° 00'
54° 33'	163° 04'
54° 10'	163° 04'

It is agreed that in the above area west of 164° 45' west longitude trawling may be conducted during the said period of time at depths of 200 metres or greater.

5. Both Governments will take appropriate measures to ensure that their nationals and vessels refrain from:

(a) Conducting bottom trawl fishing along the coast of the United States of America in the northeastern Pacific Ocean between the isobaths of 200 and 600 metres during the period December 15 to April 30 inclusive in the following areas:

- (1) 48° 10' to 47° 35' north latitude
- (2) 47° 00' to 46° 08' north latitude
- (3) 45° 50' to 45° 35' north latitude
- (4) 45° 09' to 44° 41' north latitude
- (5) 44° 10' to 43° 37' north latitude
- (6) 42° 00' to 41° 15' north latitude.

(b) Conducting a specialized fishery for rockfish in the waters off the coast of the United States of America south of 48° 10' north latitude. In this connection, the annual incidental catch of rockfish by nationals and vessels of the two countries in this area shall not exceed the 1969 level, and the masters of fishing vessels will be instructed to avoid conducting fishing operations in areas of rockfish concentrations. For purposes of this Agreement, the term "incidental catch" means a catch taken unintentionally in the course of conducting a specialized fishery for other species.

The provisions of this paragraph shall not apply to vessels under 110 feet in length.

6. The two Governments will take effective measures to prevent the use by their nationals and vessels of liners of such mesh size as to retain immature fish in trawling for bottom fish, and will also take all measures necessary to ensure the use in fishing for hake of bottom trawls with a mesh size in any of the parts no less than 60 to 70 millimetres or 2.4 to 2.8 inches, stretched mesh, including one knot (two bars). It is agreed that there will be no marked change in the manner in which bottom trawl gear is rigged and operated in 1971 and 1972.

7. The two Governments will take appropriate measures to ensure that their nationals and vessels refrain from fishing with mobile gear during the periods specified below at depths between 200 and 1000 metres and, bearing in mind the provisions of paragraph 9 of the Agreement, take additional precautions to avoid gear conflicts during the next seven days in the three areas enclosed by straight lines connecting the following co-ordinates in the order listed:

(a) March 22 to 27 inclusive:

<i>North latitude</i>	<i>West longitude</i>
55° 04'	167° 18'
54° 44'	166° 14'
54° 30'	166° 24'
54° 34'	167° 14'
54° 50'	167° 38'
55° 04'	167° 18'

(b) March 22 to 27 inclusive:

<i>North latitude</i>	<i>West longitude</i>
56° 18'	170° 24'
56° 20'	169° 03'
56° 12'	168° 46'
55° 56'	169° 10'
55° 56'	170° 24'
56° 18'	170° 24'

(c) March 17 to 22 inclusive:

<i>North latitude</i>	<i>West longitude</i>
58° 32'	174° 52'
58° 40'	174° 20'
57° 02'	173° 00'
56° 52'	173° 44'
58° 32'	174° 52'

8. The Government of the United States of America will take appropriate measures to ensure the following:

(a) Special measures will be taken to facilitate the entry of no more than four Soviet fishing vessels or fishery support vessels each month into each of the Ports of Seattle, Washington and Portland, Oregon. The Government of the United States will accept applications for entry into the Ports of Seattle and Portland pursuant to this paragraph either at the Embassy of the United States of America at Moscow or at the Department of State in Washington at least seven days prior to entry. Applications may be made in Washington either by the Embassy of the Union of Soviet Socialist Republics or by a commercial shipping agent designated by the appropriate Soviet authorities.

(b) The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of this paragraph. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Application for port entry under subparagraph (a) of this paragraph shall specify whether shore leave is requested under such a multiple entry visa.

(c) Subject to the provisions of the Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

(d) Each of the above understandings may be modified by mutual consent at any time.

9. Each Government will take appropriate measures with regard to areas of heavy concentration of fishing operations of both countries directed at prevention of damage to fishing gear, including:

(a) Measures leading to improvement of the means for marking fixed fishing gear and for reciprocal notification of areas in which fixed gear is concentrated;

(b) Measures to ensure that fixed gear is set with due regard for the operation of mobile gear;

(c) Measures to ensure that vessels operating with mobile gear will pass clearly marked fixed gear at a distance of not less than 400 metres from the nearest marker.

10. Both Governments will take appropriate measures to ensure that, to the extent practicable, waste materials are discharged at sea only in waters deeper than 1,000 metres. United States fishery authorities and Soviet fishing fleet commanders will inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations on common fishing grounds.

11. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the north-eastern part of the Pacific Ocean. Such visits may be arranged on mutually agreed terms determined in each particular case by the Regional Director of the United States National Marine Fisheries Service in Seattle, Washington or Juneau, Alaska, as may be appropriate, and the Chief of the Joint Expedition of the Main Administration of DALRYBA. It is agreed that at least two such visits should be arranged during each fishing season.

12. Should a change in the dates of closure of the areas specified in paragraph 4 (c) or paragraph 7 of the Agreement become necessary, the two Governments will consult through diplomatic channels, at the request of either Government, with a view to an appropriate change in such dates.

13. Nothing in this agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

14. This Agreement shall replace the Agreement of 13 February 1967 between the two Governments on certain fishery problems in the north-eastern Pacific Ocean, as extended 18 December 1967 and as amended and extended 31 January 1969. This Agreement shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

19. (i) AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING FOR KING AND TANNER CRAB. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Having considered in a spirit of mutual understanding their problems relating to the king and tanner crab fisheries on the continental shelf in the light of their ratifications of the Convention on the Continental Shelf adopted at Geneva, 1958,²

Taking into account the existing fishery of the Soviet Union for king and tanner crab in the eastern Bering Sea, and

Desiring to adopt the necessary measures for conserving the stocks of king crab and tanner crab in the fisheries areas provided for by the Agreement,

Have agreed as follows:

1. The king crab and tanner crab are natural resources of the continental shelf over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation in accordance with the provisions of Article 2 of the Convention on the Continental Shelf.

2. Nationals and vessels of the Soviet Union may continue to carry out commercial fishing for king and tanner crab on the continental shelf of the United States for a period of two years in that area of the eastern Bering Sea described in the appendix to this Agreement, provided that the annual commercial catch of king crab and tanner crab by Soviet nationals and vessels in such area shall not exceed 23,000 cases and 35,000 cases respectively of 48 half-pound cans each in 1971 and 1972.

3. Each Government will apply the measures specified in paragraphs 2 and 3 of the appendix to this Agreement to its nationals and vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. Either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement of the provisions of this Agreement and for that purpose shall permit duly authorized officers of the other Government to board its vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. These officers will make a report on the results of their observations; the report will be forwarded to the flag Government for appropriate action of such should be necessary.

4. The two Governments will continue and intensify their study of the king and tanner crab resources in the eastern Bering Sea and will exchange annually by 30 November the data resulting from such study including also, to the extent possible, an estimate of the maximum sustainable yield of the resources. The data to be furnished by each Government may be prepared in according with its own methodology and shall include, but not be limited to, the categories of data described in the appendix to this Agreement. The

¹ United Nations, *Treaty Series*, Vol. 781, No. 1113Z. Entered into force on 12 February 1971.

² *Ibid.*, Vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

two Governments will also provide for the exchange of scientific personnel engaged in the study of the king crab and tanner crab resources.

5. This Agreement shall replace the Agreement of 5 February 1965, between the two Governments relating to fishing for king crab¹, as amended and extended by the Agreements of 13 February 1967 and 31 January 1969. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of the Agreement and to decide on future arrangements.

(ii) EXCHANGE OF LETTERS

1

12 February 1971

Dear Mr. Ambassador,

In connexion with the signing today of an Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America relating to fishing for king and tanner crab, I have the honour to confirm the following understandings and to propose that such understandings shall constitute an integral part of the Agreement:

1. The annual commercial catch of king crab by Soviet nationals and vessels in 1971 and 1972 in the area of the eastern Bering Sea described in the Agreement will not exceed 12,800 cases of 48 half-pound cans each. It is understood that in these circumstances the minimum size limit for king crabs taken and retained by Soviet nationals and vessels in 1971 and 1972 shall be 14.5 cms. in maximum carapace width.

2. The use of tangle nets in fishing for king and tanner crab by Soviet nationals and vessels will be reduced in 1971 and will be further reduced in 1972, looking to the subsequent termination of the use of tangle nets and their replacement by pot gear.

3. Scientists of the Soviet Union will conduct sampling observations aboard Soviet vessels at a convenient time to obtain data on the incidental catch of king crabs and tanner crabs in trawling for groundfish.

With respect,

V. KAMENTSEV
Deputy Minister of Fisheries of the Union
of Soviet Socialist Republics

Mr. Donald L. McKernan
Coordinator of Ocean Affairs and
Special Assistant for Fisheries and
Wildlife to the Secretary

¹ United Nations, *Treaty Series*, Vol. 541, p. 97.

II

12 February 1971

Dear Mr. Minister:

I refer to your letter of 12 February 1971 which reads as follows:

[See Letter I above]

I am pleased to inform you that the above understandings are acceptable to the Government of the United States of America as an integral part of the Agreement.

Sincerely yours,

Donald L. MCKERNAN
Coordinator of Ocean Affairs and Special Assistant
for Fisheries and Wildlife to the Secretary.

Mr. V. M. Kamentsev
Deputy Minister of Fisheries of the
Union of Soviet Socialist Republics.

20. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING OPERATIONS IN THE NORTHEASTERN PACIFIC OCEAN. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually concerned that fishing operations in the north-eastern Pacific Ocean carried on by the fishermen of the two countries be conducted with due consideration for the interests of both Parties,

Considering it desirable to take measures for the prevention of damage to the fishing gear used by the fishermen of both countries,

Considering it desirable also to provide for appropriate contacts between representatives of both Parties on questions related to the conduct of the fisheries,

Have agreed on the following measures:

1. The Parties will take measures to emphasize to their officials, fishing industry organizations and fishermen the importance of special efforts to protect fishing gear belonging to each side from damage by vessels and fishing gear of the other side, when conducting fishing operations in the north-eastern Pacific Ocean. Each Party will encourage the use by its officials, fishing industry organizations and fishermen of devices, detectable both day and night, to mark the location of fixed fishing gear. The Parties will inform each other of the devices and the manner in which they are used. Each Party will promote the exercise of necessary caution on the part of persons responsible for the operation of vessels and gear so as to aid to the maximum extent practicable

¹ United Nations, *Treaty Series*, Vol. 777, No. 11067. Entered into force on 12 February 1971.

in timely detection of the vessels and gear of the other Party and prevention of damage thereto.

2. In the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States fishing operations using mobile fishing gear will not be conducted during the periods specified below in the six areas off Kodiak Island bounded respectively by straight lines connecting in each of the following groups the co-ordinates in the order listed:

(a) From August 15 to April 30 inclusive:

	<i>North latitude</i>	<i>West longitude</i>
(1)	57° 15'	154° 51'
	56° 57'	154° 34'
	56° 21'	155° 40'
	56° 26'	155° 55'
	57° 15'	154° 51'
(2)	56° 27'	154° 06'
	55° 46'	155° 27'
	55° 40'	155° 17'
	55° 48'	155° 00'
	55° 54'	154° 55'
	56° 03'	154° 36'
	56° 03'	153° 45'
	56° 30'	153° 45'
	56° 30'	153° 49'
	56° 27'	154° 06'
(3)	57° 05'	152° 52'
	56° 54'	152° 52'
	56° 46'	152° 37'
	56° 46'	152° 20'
	57° 19'	152° 20'
	57° 05'	152° 52'

(b) From August 15 to January 15 inclusive:

	<i>North latitude</i>	<i>West longitude</i>
(1)	56° 30'	153° 49'
	56° 30'	153° 00'
	56° 44'	153° 00'
	56° 57'	153° 15'
	56° 45'	153° 45'
	56° 30'	153° 49'
(2)	57° 35'	152° 03'
	57° 11'	151° 14'
	57° 19'	150° 57'
	57° 48'	152° 00'
	57° 35'	152° 03'

	<i>North latitude</i>	<i>West longitude</i>
(3)	58° 00'	152° 00'
	58° 00'	150° 00'
	58° 12'	150° 00'
	58° 19'	151° 29'
	58° 00'	152° 00'

3. The provisions of paragraph 2 shall not apply to small shrimp craft conducting trawling operations in such a way as not to interfere with fixed gear in the above areas, or to United States vessels engaged in scallop fishing operations.

4. It is understood that the right of fishermen of the Soviet Union to fish does not extend to waters within 12 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

5. It is understood that some vessels are likely to operate fixed gear outside the areas described in paragraph 2. Each Party will take special measures to promote the use by persons operating such vessels of means of marking such gear in addition to those ordinarily used. In order to inform the trawling fleet of the locations of such fixed gear, officials of the Alaska Department of Fish and Game, or of the United States National Marine Fisheries Service, and the Chief of the Joint Expedition of the Main Administration of DALRYBA will, if the necessity arises, transmit timely information to each other on the location of such vessels and fishing gear. Arrangements for such transmissions, including the designation of working frequencies and times of transmission, will be agreed upon between the above-mentioned officials. The persons responsible for the operation of trawlers will be given specific instructions regarding extraordinary precautionary measures to be taken when operating in the vicinity of fixed gear the positions of which have been reported, or other fixed gear which is detected.

6. The United States will carry out further research designed to develop a more effective and practical method for marking the location of fixed gear. Soviet technicians will co-operate with those of the United States in this effort, particularly in connexion with the testing of the effectiveness of new gear markers.

7. Each Party will immediately inform the other of damage to its fishing gear caused by the vessels or gear of the other Party in the north-eastern Pacific Ocean, through the arrangements provided for in paragraph 5 or through diplomatic channels.

8. This Agreement is without prejudice to the views and rights of either Party with respect to the conduct of fishing operations on the high seas.

9. The Parties consider it desirable to expand contacts between government officials, representatives of the fishing industry, and fishery scientific workers of both countries for the discussion of questions of mutual interest and the achievement of greater mutual understanding.

10. This Agreement shall replace the Agreement of 14 December 1964 between the two Governments relating to fishing operations in the north-eastern Pacific Ocean¹, as amended by the Agreement of 31 January 1969. This Agree-

¹ United Nations, *Treaty Series*, Vol. 531, p. 213.

ment shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

21. REGULATIONS OF THE INTERNATIONAL PACIFIC HALIBUT COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA, SIGNED ON 2 MARCH 1953¹

22. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC ON THE MUTUAL GRANTING OF FISHING RIGHTS IN THEIR RESPECTIVE FISHERY ZONES. DONE AT COPENHAGEN ON 1 JUNE 1971²

The Government of the Kingdom of Denmark and the Government of the Polish People's Republic,

Considering that a Polish fishery zone was established with effect from 1 January 1971 by Act of 12 February 1970,

Considering that a Danish fishery zone was established with effect from 1 July 1967 by Act No. 195 of 26 May 1965,³

Having regard to the fact that Polish and Danish fishermen have engaged in fishing in the Danish and Polish fishery zones for many years,

Desiring the further development and strengthening of mutual friendship and co-operation,

Have agreed as follows:

Article 1

1. Polish fishing vessels shall have the right, to the extent indicated below, to fish in the Danish fishery zone in the waters of the Skagerrak bounded in the west by a line running from the Hanstholm light to the Kap Lindesnes light in Norway and in the east by a line running from the Skagen light to the Pater Noster light in Sweden:

(a) Until 1 July 1972, between the 3- and 6- nautical mile limits reckoned from the baseline of the Danish territorial sea.

(b) For an indefinite period of time, between the 6- and 12- nautical mile limits reckoned from the baseline of the Danish territorial sea.

¹ See *supra* PART I, DIVISION IV, 3 (1).

² United Nations, *Treaty Series*, vol. 814, no. 11593. Entered into force on 15 December 1971 with retroactive effect from 1 January 1971 in accordance with Article 5. Translation by the Secretariat of the United Nations.

³ Reproduced in part in ST/LEG/SER.B/15, pp. 623-625.

2. The areas specified in paragraph 1 are indicated on the attached Danish chart No. 92, which constitutes an integral part of this Agreement.

Article 2

1. Danish fishing vessels shall have the right, to the extent indicated in paragraph 2, to fish in the Polish fishery zone, which is adjacent to the Polish territorial sea and extends for a distance of 12 nautical miles reckoned from the baseline of the Polish territorial sea defined by the co-ordinates 54°27'33" N, 19°38'34" E and 54°35'36" N, 18°48'36" E and running westwards along the Polish coast to the point 53°55'45" N, 14°13'41" E.

2. The right referred to in paragraph 1 shall apply, to the extent indicated below, to the portion of the Polish fishery zone lying between its eastern boundary in the Bay of Gdansk and a line running from Stilo (54°47'54" N, 17°43'54" E to the point 54°59'12" N, 17°36'54" E:

(a) Until 1 July 1972, between the 3- and 6- nautical-mile limits reckoned from the baseline of the Polish territorial sea;

(b) For an indefinite period of time, between the 6- and 12- nautical-mile limits reckoned from the baseline of the Polish territorial sea.

3. The areas specified in paragraph 2 are indicated on the attached Polish chart No. 501, which constitutes an integral part of this Agreement.

Article 3

The fishing vessels of one Contracting Party shall not fish within the fishery zone of the other Contracting Party for varieties of fish substantially different from those customarily caught in the past.

Article 4

Regulations issued by each of the Contracting Parties which relate to fishing and the defence of State frontiers shall be published sufficiently early to enable fishermen of the other Contracting Party to comply with them.

Article 5

This Agreement shall be ratified. The instruments of ratification shall be exchanged at Warsaw.

This Agreement shall enter into force on the date of the exchange of the instruments of ratification with effect from 1 January 1971.

Article 6

This Agreement is concluded for an indefinite period of time. However, either Contracting Party may denounce it by giving notice to that effect, in which case it shall cease to have effect upon the expiry of 12 months from the date of denunciation.

23. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY ON SEALING AND THE CONSERVATION OF THE SEAL STOCKS IN THE NORTHWEST ATLANTIC. DONE AT OTTAWA ON 15 JULY 1971¹

The Government of Norway and the Government of Canada:

Desirous of continuing and further developing the close co-operation in solving common problems concerning sealing and the conservation of the seal stocks in the Northwest Atlantic;

Desirous of developing and maintaining the most effective conservation measures in order to secure the best possible protection of the seal stocks in this area and a rational utilization of these resources;

Desirous of extending and co-ordinating their scientific research concerning the seal stocks in this area;

Desirous of ensuring that humane catching methods are used in sealing; and,

Desirous of taking effective steps jointly and separately in attaining these aims;

Have agreed as follows:

Article I

The area to which this agreement applies shall, subject to Article XII, include all waters of the Northwest Atlantic North of 45° North latitude and West of 45° West longitude.

Article II

This Agreement applies to harp seal (*Phoca groenlandica*).

On a proposal by the commission established under Article III the application of this agreement may be extended to hooded seal (*Cystophora cristata*), bearded seal (*Erignatus barbatus*) and walrus (*Odobenus rosmarus*).

Article III

The contracting parties shall establish a commission consisting of three representatives appointed by each country.

The commission shall hold at least one regular annual meeting at such time and place as may be agreed upon. The Chairman of the meeting shall be provided alternatively by Canada and Norway.

The representatives of the contracting parties attending meetings of the commission may be assisted by experts or advisers.

Each contracting party shall have one vote in the commission. Decisions shall be taken by unanimous vote.

¹ Entered into force on 22 December 1971 in accordance with Article XIII. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

Article IV

The commission is entrusted with the following functions:

(a) On the basis of scientific and practical research to submit proposals to the contracting parties with regard to, inter alia, sealing and the conservation of the seal stocks, national quotas, opening and closing dates, humane hunting methods and the prevention of cruelty or suffering to the animals,

(b) To submit proposals to the contracting parties with regard to the establishment of inspection and control procedures required to ensure the implementation and enforcement of the provisions of this agreement,

(c) To submit proposals to the contracting parties concerning scientific research to be undertaken jointly or separately with respect to sealing and the conservation of the seal stocks, or concerning the co-ordination of such research.

Article V

The contracting parties undertake as far as possible to supply the commission with such information of a statistical, practical and scientific nature as the commission deems necessary for its work.

Article VI

Each contracting party shall bear the costs of its participation in the commission and of its scientific research.

Expenditures incurred in joint research projects and other joint expenditures shall be shared between the parties, as may be agreed in accordance with Article VII, following upon proposals of the commission.

Article VII

The proposals of the commission concerning conservation measures, other measures to regulate sealing activities, scientific research, the sharing of the expenses of joint research or other joint expenditures, and the extension of this agreement to other species, shall be submitted to the contracting parties for their approval and shall be binding upon them following such approval.

Approved proposals of the commission with regard to conservation measures and other measures to regulate sealing shall be put into effect by the parties not later than two months following approval, unless the parties agree otherwise.

Article VIII

Each contracting party undertakes to put into effect and enforce such measures as may be necessary to implement this agreement.

Article IX

Each contracting party shall be entitled, subject to this agreement, notwithstanding national quotas agreed by the contracting parties, to issue permits

to its nationals for the taking of the species covered by this agreement on the high seas or in its own territorial sea, for the following purposes:

- (a) For scientific research
- (b) For the local population
- (c) For expeditions, provided that the catch is used for food, animal feed or similar needs.

The contracting parties shall inform the commission of such permits issued.

Article X

Either contracting party may terminate this agreement by three years' notice in writing. No such notice shall be given by either party before December 31st, 1975.

Upon such notice the contracting parties shall as soon as possible enter into negotiations in good faith on future arrangements concerning conservation and sealing.

Article XI

By agreement of the contracting parties, other states interested in the conservation of the species referred to in this agreement may be invited to accede to Articles I to X of this agreement.

Article XII

Subject to the provisions of this agreement, in view of the fact that the movements of the seal herds are governed by unpredictable weather conditions and consequently that, in certain years, the ice on which the seals are concentrated drifts inside the Canadian territorial sea, Norwegian vessels engaged in sealing operations are allowed, notwithstanding the provisions of the Exchange of Notes between the Government of Canada and the Government of Norway of July 15th, 1971, to take seals

(a) Within the outer nine miles of the territorial sea on the Atlantic coast of Canada between 48°00' North latitude and 55°20' North latitude, and

(b) Up to but not closer than three miles from the nearest land in all the waters of Notre Dame Bay and of the Strait of Belle Isle northeast of a straight line drawn from the lighthouse at Amour Point to the lighthouse on Flowers Island in Flowers Cove, Newfoundland.

Norwegian sealing is not otherwise allowed in the Gulf of St. Lawrence.

Article XIII

This agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Oslo as soon as possible.

24. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY CONSTITUTING AN AGREEMENT WITH RESPECT TO NORWEGIAN FISHING PRACTICES OFF THE ATLANTIC COAST OF CANADA. OTTAWA, 15 JULY 1971¹

I

Ottawa, July 15, 1971

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada², and the designation, by Order in Council P.C. 1971-366 of February 25, 1971³, of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Norwegian fishing practices off the Atlantic coast of Canada:

1. Norwegian fishing vessels may continue, until January 1, 1975, to fish by long line for cod within Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada as described in the schedule to Order in Council P.C. 1971-366 of February 25, 1971, subject to the following conditions:

(a) That the total number of Norwegian fishing vessels permitted to engage in this fishery within Zone 1 in any one season from 15 August to 15 December shall not exceed 20 vessels;

(b) That the Norwegian vessels engaged in this fishery within Zone 1 shall fish no closer than twelve miles to the nearest shore, and no closer than twelve miles to a line joining Cape St. George with Cape Anguille;

(c) That the Norwegian vessels engaged in this fishery shall be subject, without discrimination, to the same regulations as Canadian vessels while operating within Zone 1. The Canadian authorities shall inform the Norwegian authorities of the regulations applicable to this Zone.

2. Norwegian fishing vessels shall no longer fish or conduct sealing operations within the territorial sea or fishing zones of Canada except as provided in sub-paragraph 1 of this paragraph and in Article XII of the Agreement between the Government of Canada and the Government of Norway on Sealing and the Conservation of the Seal Stocks in the Northwest Atlantic, signed at Ottawa on July 15th, 1971.⁴

3. The territorial sea on the Atlantic coast of Canada shall be measured from baselines as determined by the provisions of Annex A⁵ to this Note. The fishing zones of Canada on the Atlantic coast shall be those designated in Order in Council P.C. 1971-366 of February 25, 1971, as set out in Annex B⁵ of this Note.

¹ Entered into force on 15 July 1971. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

² For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

³ *Supra* PART I, DIVISION IV, 3(k).

⁴ *Supra* 23.

⁵ Annexes are not reproduced here.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an Agreement between the Government of Canada and the Government of Norway which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Torfinn Oftedal
Ambassador of Norway
Ottawa

II

Royal Norwegian Embassy
Ottawa, July 15, 1971

Sir,

I have the honour to acknowledge receipt of your Note of July 15th, 1971, the text of which, in English, reads as follows:

[See Note I]

In reply I have the honour to inform you that the proposals set forth in your Note are acceptable to the Government of Norway, who agree that your Note of July 15th, 1971, and the Annexes thereto, the English and French versions of which are equally authentic, and this reply, shall constitute an Agreement between our two countries that shall enter into force on the date of this reply.

(Signed) Torfinn OFTEDAL
Ambassador of Norway

The Honourable Mitchell Sharp
Secretary of State for External Affairs
Ottawa

25. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF DENMARK CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972¹

I

Ottawa, March 25, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada,¹ and the designation, by Order in Council P.C. 1971-366 of February 25, 1971,² of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Danish fishing practices off the Atlantic coast of Canada:

1. Faroese fishing vessels may continue to fish for cod by trawl and by longline until January 1, 1972, in that part of the outer nine miles of the territorial sea of Canada where such vessels have fished during the period of five years immediately preceding December 31, 1970. The territorial sea on the Atlantic coast of Canada is measured from baselines as determined by the provisions of Annex A³ to this Note.

2. Faroese fishing vessels may continue to fish for cod until January 1, 1975, as follows:

- (a) (i) By trawl, east of the meridian of longitude 61° 30' West, and
- (ii) By longline, east of the meridian of longitude 61° 30' West to the south of Anticosti Island, and north of Anticosti Island, east of the meridian of longitude 63° 30' West, in Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada, as described in the schedule to Order in Council P.C. 1971-366 of February 25 (a copy of which is annexed hereto as Annex B³), outside a distance of 12 miles from the low water line of the coast and 12 miles from a line joining Cape St. George with Cape Anguille;

(b) By trawl, up to a distance of three miles from the low water line of the coast of St. Paul Island northeastward of a line passing through the lighthouse situated on St. Paul Island in a 315°/135° (true compass) direction.

3. Faroese fishing vessels may further continue to fish for cod by trawl until May 15, 1976, and by longline until December 31, 1976, in the areas described in sub-paragraph 2, on the same conditions as before January 1, 1975, save only that such continued fishing thereafter shall be on the basis of a licence or licences to be issued by the Canadian authorities.

4. Faroese fishing vessels may continue to fish for porbeagle shark by longline until January 1, 1975, in that part of Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada defined in the chart annexed hereto as Annex C, and thereafter for successive periods of two years, on the same conditions as before January 1, 1975, save only that such continued fishing shall be on the basis of a licence or licences to be issued by the Canadian authorities and may be terminated by the Canadian authorities upon not less than one year's notice in writing prior to the conclusion of any two-year period.

5. Faroese fishing vessels may retain other species caught incidentally while fishing for cod in accordance with the foregoing provisions of this Note.

6. Faroese fishing vessels shall be subject, without discrimination, to the same laws and regulations as Canadian fishing vessels while operating within the areas in which they may continue to fish pursuant to this Note. The Canadian

¹ For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² *Supra* PART I, DIVISION IV, 3(k).

³ Annexes are not reproduced here.

authorities shall inform the Danish authorities of the fisheries regulations applicable to such areas. On transmission from the Canadian authorities, the Danish Government shall make known to the Faroese authorities these laws and regulations with a view to ensuring their strict observance. The Canadian Government shall not, without the agreement of the Danish Government, change the existing fishing laws and regulations previously made known to the Danish Government in a manner which would have the effect of curtailing the areas in which Faroese fishing vessels could, in practice, fish pursuant to this agreement.

7. If at any time before December 31, 1976, the Canadian Government considers that there has been a fundamental change in the intensity, character and pattern of the fishing carried on by Faroese fishing vessels in any of the areas referred to herein, the Canadian Government may raise the matter with the Danish Government and the two Governments shall review the situation.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an agreement between the Government of Canada and the Government of Denmark which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Arne BORG ANDERSEN
Ambassador of Denmark
Ottawa.

II

Royal Danish Embassy

Ottawa, March 27, 1972

Sir,

I have the honour to inform you that the arrangements set out in your Note No. FLO-281 of March 27, 1972 regarding certain fishery matters are acceptable to my government and that your Note and my reply shall constitute an agreement between our two governments which shall enter into force on the date of this reply.

Accept, Sir, etc.

(Signed) Bogh ANDERSEN

The Honourable Mitchell Sharp
Secretary of State for External Affairs
Ottawa

26. AGREEMENT BETWEEN CANADA AND FRANCE ON THEIR MUTUAL FISHING RELATIONS. DONE AT OTTAWA ON 27 MARCH 1972¹

The Government of Canada and the Government of France,

Having regard to the fact that the Canadian Government has deemed it necessary, notably with a view to ensuring the protection of Canadian fisheries, to adopt certain measures relating to the delimitation of the territorial sea and the fishing zones of Canada,

Considering it desirable to adapt to present circumstances their mutual relations in fishery matters,

Have agreed as follows:

Article 1

The Government of France renounces the privileges established to its advantage in fishery matters by the Convention signed at London, on April 8, 1904, between the United Kingdom and France. The present agreement supersedes all previous treaty provisions relating to fishing by French nationals off the Atlantic coast of Canada.

Article 2

In return, the Canadian Government undertakes in the event of a modification to the juridical régime relating to the waters situated beyond the present limits of the territorial sea and fishing zones of Canada on the Atlantic coast, to recognize the right of French nationals to fish in these waters subject to possible measures for the conservation of resources, including the establishment of quotas. The French Government undertakes for its part to grant reciprocity to Canadian nationals off the coast of Saint-Pierre and Miquelon.

Article 3

Fishing vessels registered in metropolitan France may continue to fish from January 15 to May 15 each year, up to May 15, 1986, on an equal footing with Canadian vessels, in the Canadian fishing zone within the Gulf of St. Lawrence, east of the meridian of longitude 61 degrees 30 mins west, subject to the provisions of Articles 5 and 6.

Article 4

In view of the special situation of Saint-Pierre and Miquelon and as an arrangement between neighbours:

(a) French coastal fishing boats registered in Saint-Pierre and Miquelon may continue to fish in the areas where they have traditionally fished along the coasts of Newfoundland, and Newfoundland coastal fishing boats shall enjoy the same right along the coasts of Saint-Pierre and Miquelon;

(b) A maximum of ten French trawlers registered in Saint-Pierre and Miquelon, of a maximum length of 50 metres, may continue to fish along

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

the coasts of Newfoundland, of Nova Scotia (with the exception of the Bay of Fundy), and in the Canadian fishing zone within the Gulf of St. Lawrence, on an equal footing with Canadian trawlers; Canadian trawlers registered in the ports on the Atlantic coast of Canada may continue to fish along the coasts of Saint-Pierre and Miquelon on an equal footing with French trawlers.

Article 5

French fishing vessels covered by the provision of Article 3 must not direct their fishing effort to the taking of species other than those which they have traditionally exploited in the five-year period immediately preceding this agreement, nor shall they substantially increase the level of such effort.

Article 6

1. Canadian fishery regulations shall be applied without discrimination in fact or in law to the French fishing vessels covered by Articles 3 and 4, including regulations concerning the dimensions of vessels authorized to fish less than 12 miles from the Atlantic coast of Canada.

2. French fishery regulations shall be applied under the same conditions to the Canadian fishing vessels covered by Article 4.

3. Before promulgating new regulations applicable to these vessels, the authorities of each of the parties shall give three months prior notice to the authorities of the other party.

Article 7

The French patrol vessel which usually accompanies the French fishing fleet may continue to exercise its functions of assistance in the Gulf of St. Lawrence.

Article 8

The line defined in the annex to the present agreement determines, in the area between Newfoundland and the islands of Saint-Pierre and Miquelon, the limit of the territorial waters of Canada and of the zones submitted to the fishery jurisdiction of France.

Article 9

No provision of the present agreement shall be interpreted as prejudicing the views and future claims of either party concerning internal waters, territorial waters or jurisdiction with respect to fisheries or the resources of the continental shelf, or the bilateral or multilateral agreements to which either government is a party.

Article 10

1. The contracting parties shall establish a Commission to consider all disputes concerning the application of this agreement.

2. The Commission shall consist of one national expert nominated by each of the parties for ten years. In addition, the two Governments shall designate by mutual agreement a third expert who shall not be a national of either party.

3. If, in connection with any dispute referred to the Commission by either of the contracting parties, the Commission has not within one month reached a decision acceptable to the contracting parties, reference shall be made to the third expert. The Commission shall then sit as an arbitral tribunal under the chairmanship of the third expert.

4. Decisions of the Commission sitting as an arbitral tribunal shall be taken by a majority, and shall be binding on the contracting parties.

ANNEX¹

The line which determines the limit of the territorial waters of Canada and the zones submitted to the fishery jurisdiction of France extends northward and westward in a series of eight connected straight lines joining the following points;

- Point (1) Equidistant 12 nautical miles from l'Enfant Perdu (France) and Lamaline Shag Rock (Canada). Latitude 46° 38' 46'' N., longitude 55° 54' 12'' W. approximately.
- Point (2) Equidistant from L'Enfant Perdu (France) and Lamaline Shag Rock and Otter Rock (Canada). Latitude 46° 41' 56'' N., longitude 55° 55' 28'' W. approximately.
- Point (3) Equidistant from L'Enfant Perdu (France) and Otter Rock and Enfant Perdu (Canada). Latitude 46° 48' 10'' N., longitude 55° 58' 57'' W. approximately.
- Point (4) The low water mark on the south-westernmost point of Enfant Perdu (Canada). Latitude 46° 51' 20'' N., longitude 56° 05' 30'' W. approximately.
- Point (5) The low water mark on the west point of the south-westernmost island of the Little Green Island group. Latitude 46° 51' 36'' N., longitude 56° 05' 58'' W. approximately.
- Point (6) The intersection of the French mid-channel line of 1907 with a line parallel to, and 3 miles distant from a line joining Green Island to Dantzig Point. Latitude 46° 55' 52'' N., longitude 56° 07' 47'' W. approximately.
- Point (7) The intersection of the French mid-channel line of 1907 with the median line, equidistant from Bout du Nordet (France) and Little Plate Island (Canada). Latitude 47° 06' 02'' N., longitude 56° 06' 18'' W. approximately.
- Point (8) Equidistant from Cap du Nid à l'Aigle (France) and Little Plate Island and the southwest Wolf Rock (Canada). Latitude 47° 18' 19'' N., longitude 56° 15' 18'' W. approximately.
- Point (9) The intersection of the French mid-channel line of 1907 with the outer limit of Canada's 12-mile territorial Sea. Latitude 47° 21' 54'' N., longitude 56° 29' 40'' W. approximately.

¹ The attached map is not reproduced for technical reasons.

27. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF PORTUGAL CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972²

I

Ottawa, March 27, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amend-

² Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

ments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada¹, and the designation, by Order in Council P.C. 1971-366 of February 25, 1971², of certain areas of the sea of mutual interest adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Portuguese fishing practices off the Atlantic coast of Canada:

1. Portuguese fishing vessels may continue to fish for cod by trawl and line until July 1, 1978, in those areas of the outer nine miles of the territorial sea of Canada where such vessels have fished during the period of five years immediately preceding December 31, 1970, subject to the provisions of sub-paragraphs 3, 4 and 5. The territorial sea on the Atlantic coast of Canada is measured from the baselines as determined by the provisions of Annex A³ to this Note.

2. Portuguese fishing vessels may continue to fish for cod by trawl in the months of January, February and March each year until April 1, 1976, east of the meridian of longitude 61° 30' west in Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada, as described in the schedule to Order in Council P.C. 1971-366 of February 25, 1971, a copy of which is attached hereto as Annex B³, and outside a distance of 12 miles from the low-water line of the coast and 12 miles from a line joining Cape St. George with Cape Anguille, subject to the provisions of sub-paragraphs 3 and 5.

3. Portuguese fishing vessels shall be subject, without discrimination in form or fact to the same laws and regulations as Canadian fishing vessels while operating within the outer nine miles of Canada's territorial sea or within Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada. The Canadian authorities shall inform the Portuguese authorities of the fishing regulations applicable to these areas.

4. The Canadian authorities will give the Portuguese authorities advance notice of particular areas and periods during which concentrations of gear of inshore fishermen may occur in those areas of the outer nine miles of the territorial sea of Canada where Portuguese trawlers have fished during the period of five years immediately preceding December 31, 1970. The Portuguese authorities will transmit any such information to Portuguese trawlers likely to fish in such areas and will request such vessels, before actually fishing, to establish communication, as appropriate, with the Regional Fisheries Office of the Canadian Government in Halifax, Nova Scotia, or St. John's, Newfoundland, to obtain current information about the local situation for the purpose of enabling vessels the better to avoid damage to gear. The Portuguese Government will not object to action by the Canadian authorities in cases of emergency to direct Portuguese fishing vessels clear of gear concentrations, provided that Canadian and other fishing vessels of a similar size and class are subject to the same directions.

5. If at any time before January 1, 1978, the Canadian Government considers that there has been a fundamental change in the intensity, character

¹ For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² *Supra* PART I, DIVISION IV, 3 (k).

³ Annexes are not reproduced here.

and pattern of the fishing carried on by Portuguese fishing vessels in any of the areas referred to herein, the Canadian Government may raise the matter with the Portuguese Government and the two Governments shall review the situation.

6. The Government of Canada undertakes to review in good faith at the request of the Government of Portugal the provisions of this exchange of Notes prior to the expiration of the periods referred to in subparagraphs 1 and 2 above, including the consideration of a continuance of the Portuguese fishing effort in the areas covered by this agreement on the basis of a licence or licences on such terms as may be determined by the Canadian Government taking into account the nature, extent and socio-economic aspects of the Portuguese fishing effort in the areas concerned, and conservation requirements.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an agreement between the Government of Canada and the Government of Portugal which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency
Dr. Salvador Sampayo Garrido
Ambassador of Portugal
Ottawa

II

March 27, 1972

Sir,

I have the honour to inform you that the arrangements set out in your Note No. FLO-283 of March 27th, 1972, regarding certain fishery matters, are acceptable to my Government and that your Note and my reply shall constitute an agreement between our two Governments which shall enter into force on the date of this reply.

Accept, Excellency, etc.

Salvador DE SAMPAYO GARRIDO
Ambassador of Portugal

The Honourable Mr. Mitchell William Sharp, P.C., M.P.
Secretary of State for External Affairs
Ottawa

28. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972¹

I

Ottawa, March 27, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada², and the designation, by Order in Council P.C. 1971-366 of February 25, 1971³, of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to British fishing practices off the Atlantic coast of Canada:

(1) British fishing vessels may continue, until January 1, 1978, to fish in that part of the outer nine miles of the territorial sea of Canada which is specified in Annex A⁴ to this Note, subject to the provisions of subparagraphs (3), (4), (5) and (6) of this paragraph. The territorial sea on the Atlantic coast of Canada shall be measured from baselines as determined by the provisions of Annex B⁴ to this Note.

(2) British fishing vessels may continue, until January 1, 1973, to fish in that part of Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada which is specified in Annex A⁴ to this Note, subject to the provisions of subparagraphs (3), (4) and (5) of this paragraph. The fishing zones on the Atlantic coast of Canada shall be those designated in Order in Council P.C. 1971-366 of February 25, 1971, as set out in Annex C⁴ to this Note.

(3) British fishing vessels may fish for cod and haddock (but may retain other species caught incidentally such as flounder and halibut) in the areas and for the periods as set out in sub-paragraphs (1) and (2) of this paragraph.

(4) If at any time before the 1st day of January, 1978, the Canadian Government considers that there has been a fundamental change in the intensity, character and pattern of the fishing carried on by British fishing vessels in the territorial sea and fishing zones on the Atlantic coast of Canada, as set out in sub-paragraphs (1) and (2) of this paragraph, the Canadian Government may raise the matter with the British Government and the two Governments shall together review the situation.

(5) British fishing vessels shall be subject, without discrimination, to the same laws and regulations as Canadian fishing vessels while operating within the outer nine miles of Canada's territorial sea or within that part of Zone 1

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

² For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter I, 3(a).

³ *Supra* PART I, DIVISION IV, 3(k).

⁴ Annexes are not reproduced here.

of the fishing zones of Canada as set out in sub-paragraph (2) of this paragraph. The Canadian authorities shall inform the British authorities of the fisheries regulations applicable to such areas. On transmission from the Canadian authorities, the British Government shall make known to its nationals these laws and regulations with a view to ensuring their strict observation. Before the expiration of the periods of time referred to in sub-paragraphs (1) and (2) above respectively, the Canadian Government shall not, after the 27th day of March, 1972, without the agreement of the British Government, change the existing laws and regulations previously made known to the British Government in a manner which would have the effect of curtailing the areas in which British fishing vessels could, in practice, fish pursuant to these arrangements.

(6) The Canadian authorities will give the British authorities advance notice of particular areas and periods during which concentrations of gear are probable within the outer nine miles of the territorial sea of Canada:

(a) From Cape Gabarus northward to Cape North (Cape Breton Island, Nova Scotia); and

(b) From Lamaline Shag Rock passing east and north to Gull Island, Newfoundland.

The British authorities will transmit any such information to British vessels likely to fish in the area and will request such vessels, before actually fishing, to establish communication, as appropriate, with the regional fisheries office of the Canadian Government in Halifax, Nova Scotia, or St. John's, Newfoundland, to obtain current information about the local situation for the purpose of enabling vessels the better to avoid damage to gear. The British Government will not object to action by the Canadian authorities in cases of emergency to direct British fishing vessels clear of gear concentrations, provided that Canadian and other fishing vessels of similar class are subject to the same directions, and subject to the rights of the British Government under sub-paragraph (5) of this paragraph if such directions should seriously interfere with the pattern of fishing by British vessels.

(7) Nothing in this agreement shall affect the right of British fishing vessels to innocent passage through Zone 1 of the fishing zones of Canada during the period of this agreement or after its expiry.

If the foregoing proposal is acceptable to the Government of the United Kingdom I have the honour to propose that this Note and its Annexes, which are equally authentic in English and French, and Your Excellency's reply to that effect, shall constitute an agreement in this matter between the Government of Canada and the Government of the United Kingdom which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Sir Peter Hayman, K.C.M.G., C.V.O., M.B.E.
British High Commissioner
Ottawa

II

British High Commission
Ottawa
27 March 1972

The Hon. Mr. Mitchell Sharp P.C., M.P.
Secretary of State for External Affairs

Sir,

I have the honour to acknowledge receipt of Your Note No. FLO-282 of March 27, 1972, which reads as follows:

[See Note I]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom, who therefore agree that Your Note, together with its Annexes, which are equally authentic in English and French, and this reply shall constitute an Agreement between the two Governments which shall enter into force on the date of this reply.

I avail myself etc.

(Original signed) Peter HAYMAN

29. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON LIMITATION OF THE SALMON FISHERY. WASHINGTON, 6 JULY 1972¹

I

July 6, 1972

Sir,

I have the honor to refer to the proposal adopted by the International Commission for the Northwest Atlantic Fisheries in Washington, D.C. on June 2nd regarding Conservation of Atlantic Salmon. The proposal which incorporated the substance of the understanding reached at the U.S.-Danish talks on February 5, 1972, implies inter alia that the catch of Atlantic salmon will be regulated in 1972 (and subsequent years). In spite of the efforts of the member states to have the proposal put into effect at an earlier date than provided under article VIII of the International Convention for the Northwest Atlantic Fisheries,² it seems unlikely that the proposal will come into effect in the immediate future.

¹ Entered into force on 6 July 1972. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838. For the protocols of amendment to the Convention, see *supra* SUBDIVISION A, 1 2, and 4.

I have, therefore, been instructed to propose that, pending the coming into effect of the said proposal adopted by ICNAF, our two Governments agree as follows:

A. Denmark will phase out by December 31, 1975 all of their fisheries for Atlantic salmon off Greenland, except those carried out by local fishermen of Greenland. Such a phase out will be accomplished by appropriate measures at the discretion of the Danish Government and designed to limit the round weight of their non-Greenland salmon catch in the Northwest Atlantic in the calendar years of 1972, 1973, 1974, and 1975 to an approximate level of 800, 600, 550 and 500 metric tons respectively.

Failure to achieve these catch objectives in any of the four years will be followed by an adjustment in the following year's catch.

B. The annual salmon catch by local Greenland fishermen will be at the approximate level of the average of the annual catches measured from 1964 through 1971, which is estimated to be 1,100 metric tons.

C. The United States will endeavour to ensure the application of appropriate conservation measures applicable to the 12 mile zone of the United States which would correspond in effect to the measures taken by Denmark (i.e. using the catch levels of 1969 as a base).

If the proposal as set forth above is agreeable to the Government of the United States of America, the Government of Denmark will be pleased to consider this note and your reply concurring therein as constituting an agreement between our two Governments, which shall enter into force on the date of your affirmative reply.

Accept, Sir, etc.

Hans J. CHRISTENSEN
Chargé d'affaires a.i.

The Honorable U. Alexis Johnson
The Acting Secretary of State of the
United States of America
Washington.

II

Department of State
Washington
July 6, 1972

Sir,

I have the honor to acknowledge receipt of your note dated July 6, 1972, which reads as follows:

[See Note I]

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that your

note and this reply shall be regarded as constituting an agreement between the two Governments.

Accept, Sir, etc.

For the Acting Secretary of State:
Burdick H. BRITTIN

The Honourable Hans J. Christensen
Chargé d'Affaires ad interim
of Denmark
