

No. 14514

**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement concerning king and tanner crab fisheries in the eastern Bering Sea (with appendix, agreed minutes and related notes of 24 December 1974, and report of the consultation dated 13 December 1974). Tokyo, 24 December 1974

Authentic texts of the exchange of notes and appendix: Japanese and English.

Authentic text of the related notes: Japanese.

Authentic text of the agreed minutes and report of the consultation: English.

Registered by the United States of America on 31 December 1975.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN
THE UNITED STATES OF AMERICA AND JAPAN CONCERNING KING
AND TANNER CRAB FISHERIES IN THE EASTERN BERING SEA

附属書

A 雌のたらばがに及びずわいがに、脱皮したたらばがに及びずわいがに並びに胸甲の幅が十五・八センチメートル未満のたらばがにの子がにを保持し及び使用してはならない。混獲されたこれらのかに、合意された枠^{わく}を超えて捕獲されるたらばがに及び合意された枠^{わく}を超えて捕獲されるずわいがにには、できる限り損傷しないように、速やかに海中にもどさなければならぬ。

B 千九百七十五年及び千九百七十六年において、かご以外の漁具を使用してたらばがに及びずわいがにを採捕してはならない。

¹ Came into force on 24 December 1974 by the exchange of the said notes, with effect from 1 January 1975, in accordance with their provisions.

[TRANSLATION — TRADUCTION]

The Japanese Minister for Foreign Affairs to the American Ambassador

Excellency:

[*See note II*]

[*Signed*]

KIICHI MIYAZAWA

II

The American Ambassador to the Japanese Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO

December 24, 1974

No. 941

Excellency:

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

"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 in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from November 25 to December 13, 1974, 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 and tanner crab fisheries in the eastern Bering Sea contained in the exchange of notes on December 20, 1972:¹

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 waters which have been fished historically by Japan; that is, those waters in which migrate crab stocks exploited in the past by Japan; provided that for the purpose of conservation of crab resources in the eastern Bering Sea, the Government of Japan ensures that:

A. The fishing operations for king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 will be conducted in the waters north of 55°30' North Latitude and west of 164° West Longitude.

¹ United Nations, *Treaty Series*, vol. 903, p. 39.

B. The annual commercial catches of king and tanner crabs by nationals and vessels of Japan for the years 1975 and 1976 shall not exceed:

(a) Zero metric tons of king crabs and 2,500 metric tons of tanner crabs in the area bounded by straight lines connecting the following coordinates in the order listed:

<i>North Latitude</i>	<i>West Longitude</i>
58°09'	164°00'
57°00'	168°00'
57°40'	169°50'
57°40'	170°50'
57°00'	170°50'
56°20'	169°55'
56°20'	168°00'
55°30'	168°00'
55°30'	164°00'
58°09'	164°00'

(b) 953 metric tons of king crabs and 7,700 metric tons of tanner crabs in the waters north of 55°30' North Latitude and west of 164° West Longitude, outside the area designated in (a) above.

- (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.
- (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 present arrangements shall be effective as of January 1, 1975, and shall continue in effect until December 31, 1976. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time within 60 days of such request to consider the desirability of modifications of these arrangements. In any event, the two Governments shall meet before December 31, 1976, to review the operation of these arrangements and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph.

“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.

“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 the agreed quotas, and any tanner crabs taken in excess of the agreed quotas shall be returned immediately to the sea with a minimum of injury.

“B. King crabs and tanner crabs shall not be taken in 1975 and 1976 by means of fishing gear other than pots.”

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 Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES D. HODGSON

His Excellency Kiichi Miyazawa
Minister for Foreign Affairs
Tokyo

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 connection with the notes exchanged today between Ambassador Hodgson and Minister for Foreign Affairs Miyazawa concerning the king and tanner crab fisheries in the eastern Bering Sea:

1. It was 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.

2. It was 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.

Tokyo, December 24, 1974.

For the Government
of the United States of America:

[Signed — Signé]¹

For the Government
of Japan:

[Signed — Signé]²

¹ Signed by James D. Hodgson — Signé par James D. Hodgson.

² Signed by Kiichi Miyazawa — Signé par Kiichi Miyazawa.

RELATED NOTES — NOTES CONNEXES

日本国外務大臣

日本国駐在アメリカ合衆国特命全權大使

ジェームズ・D・ホッドソン閣下

宮澤 彪一

[TRANSLATION — TRADUCTION]

Tokyo, December 24, 1974

Excellency,

I have the honor to refer to the provisions of paragraph 3 (4) of the notes exchanged between us today concerning the king and tanner crab fisheries in the eastern Bering Sea and to inform Your Excellency that it is the intention of the Government of Japan to take appropriate measures to ensure that officials of the Government of the United States of America be allowed to board Japanese vessels engaged in fishing operations in the eastern Bering Sea for the purpose of observation of the conduct of enforcement of the provisions of the agreements, and that the observation be carried out effectively.

It is also the intention of the Government of Japan that appropriate measures be taken in case the said United States officials report to the Japanese authorities concerned any alleged violation by Japanese vessels of the provisions of the agreements.

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

[Signed]

KIICHI MIYAZAWA
Minister for Foreign Affairs
of Japan

His Excellency James D. Hodgson
Ambassador Extraordinary and Plenipotentiary
of the United States of America in Japan

[TRANSLATION — TRADUCTION]

Tokyo, December 24, 1974

Excellency,

I have the honor to inform Your Excellency that, in connection with the notes exchanged between us today concerning the king and tanner crab fisheries, it is the intention of the Government of Japan to take appropriate procedures to attempt to reduce and control incidental catches of king and tanner crabs by fishing gears other than crab pots.

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

[Signed]

KIICHI MIYAZAWA
Minister for Foreign Affairs
of Japan

His Excellency James D. Hodgson
Ambassador Extraordinary and Plenipotentiary
of the United States of America in Japan

REPORT OF THE CONSULTATION DATED 13 DECEMBER 1974
[For the text of the report of the consultation, see p. 33 of this volume.]
