

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON MUTUAL FISHERIES RELATIONS

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

Considering their common concern for the conservation,
rational management and optimal utilization of fish resources
off their respective coasts;

Bearing in mind that, in conformity with international
law, the United States of America and the Union of Soviet
Socialist Republics have sovereign rights for the purpose of
exploration, exploitation, conservation and management of the

living marine resources within zones they have established, extending 200 nautical miles from their coasts, called the U.S. exclusive economic zone and the U.S.S.R. economic zone (hereinafter referred to as "zones"); have sovereign rights for the purpose of exploring for and exploiting the living resources of the continental shelf; and have authority for management of anadromous species of their respective origin beyond their respective zones, except when found in the equivalent zone or territorial sea of another State;

Recognizing that many important stocks of living marine resources of the Bering Sea ecological complex range within and beyond the respective zones of both Parties and are being exploited by fishermen of the two countries, and desiring to coordinate their efforts to conserve and manage these resources;

Emphasizing the importance of scientific research for the conservation and rational management of the living marine resources, and desirous of coordinating their activities in such research;

Taking into account the positive experience of cooperation between the United States of America and the Union of Soviet Socialist Republics in the field of fisheries, as reflected in the Agreement Between the Government of the

United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries off the Coasts of the United States of November 26, 1976, as amended, and the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries off the Coasts of the Union of Soviet Socialist Republics of February 21, 1988; and

Intending to establish mutually beneficial relations and cooperation in the field of fisheries;

Have agreed as follows:

ARTICLE I

The Parties shall endeavor to cooperate and work towards a mutually beneficial and equitable relationship in the field of fisheries. The purpose of the Agreement is to establish a common understanding of the principles and procedures to provide for cooperation between the Parties in areas of mutual interest concerning fisheries.

ARTICLE II

1. Each Party shall, consistent with its national law, in order to provide for optimum utilization of fishery stocks in its zone, determine:

a) the total allowable catch in its zone for each stock, taking into account the best available scientific evidence, and relevant social, economic, and other factors;

b) the harvesting capacity of its own fishing vessels with respect to each stock; and

c) the portion of the total allowable catch for a specific stock that is surplus.

2. Each Party, consistent with its national law, may allocate a portion of such surplus to the other Party.

3. Each Party will allow nationals and vessels of the other Party access to conduct permitted fishery operations in its zone on a reciprocal basis.

ARTICLE III

1. Each Party agrees that its nationals and vessels shall be subject to the relevant laws and regulations of the other Party when engaged in fishing in the zone of the other Party. Each Party further agrees that its nationals and vessels shall be subject to the relevant laws and regulations of the other Party pertaining to fisheries resource management when engaged in fishing outside the respective zones of either Party for living resources of the continental shelf appertaining to the other Party or for anadromous resources that originate in the waters of the other Party.

2. Each Party shall notify the other Party of the national laws and regulations referred to in paragraph 1 of this Article and any changes thereto.

ARTICLE IV

Each Party, consistent with its national law, shall take appropriate measures to ensure that its nationals and vessels:

- a) conduct fishery operations within the zone of the other Party consistent with the national laws and regulations of the other Party;
- b) refrain from fishing beyond its zone for fish resources over which the other Party, consistent with international law, has sovereign rights or management authority, except as authorized pursuant to this Agreement; and
- c) comply with the provisions of permits issued pursuant to this Agreement and the applicable laws of the other Party.

ARTICLE V

Permits for fishing in the zone of each Party shall be issued pursuant to Annex I, which constitutes an integral part of this Agreement.

ARTICLE VI

Each Party shall, consistent with its national law, take appropriate measures to ensure that its nationals and vessels refrain from harassing, hunting, capturing or killing any marine mammal within the zone of the other Party, or attempting such actions, except as may be provided for by an international agreement which is in force for both Parties, or in accordance with specific authorization and controls established by the Party in whose zone such actions occur.

ARTICLE VII

1. In the interest of conservation and rational management of anadromous species, both Parties recognize the principle that fishing for anadromous species should not be exercised in areas beyond any exclusive economic zone or its equivalent.

2. Both Parties shall cooperate, consistent with their existing international obligations, to exchange information and to take action, where appropriate, to address the harvesting of anadromous species originating in the waters of either Party by nationals and vessels of non-parties in areas beyond any exclusive economic zone or its equivalent, and otherwise to advance the conservation of such anadromous species.

ARTICLE VIII

1. Each Party consents to and, to the extent allowable under its own law, will assist and facilitate boardings and inspections of its vessels by duly authorized officers of the other Party for compliance with laws and regulations referred to in Article III. If, upon boarding and inspection of a vessel by a Party's duly authorized officer, such law or regulation is found to have been violated, each Party agrees that it will not object to appropriate enforcement action undertaken pursuant to the laws of that other Party, including seizure and arrest of the vessel and the individuals on board.

2. Each Party shall impose appropriate penalties, in accordance with its laws, for violations of the laws or regulations referred to in Article III. In the case of arrest and seizure of a vessel of a Party by the authorities of the other Party, notification shall be given promptly through diplomatic channels informing the flag state party of the facts and actions taken.

3. Each Party shall release vessels of the other Party and their crews promptly, subject to the posting of reasonable bond or other security.

4. The penalty for violation of a limitation or restriction on the fishing operations of a Party shall be limited to appropriate fines, forfeitures or revocation or suspension of fishing privileges.

ARTICLE IX

1. The Parties shall cooperate in the conduct of scientific research required for the purpose of the conservation and optimum utilization of the fishery resources in their zones. Such cooperation may include research on fishery resources of mutual interest in areas beyond the zones of the Parties and beyond the zone of any third party.

2. The Parties shall cooperate in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with agreed upon procedures.

ARTICLE X

The Parties shall, consistent with their respective national law, encourage contacts and facilitate cooperation on the basis of equity and mutual benefit between their respective enterprises, inter alia, in the establishment in their zones of joint ventures for fishing, reproduction, processing, and marketing of fish resources. In addition, the Parties shall encourage the introduction of new scientific and technological developments for these enterprises.

ARTICLE XI

1. The Parties shall cooperate and consult directly or through appropriate international organizations to ensure proper conservation and management of living marine resources in the areas beyond the zones of the Parties and beyond the zone of any third party. The Parties may consult on questions of mutual interest which may be considered by such organizations.

2. The Parties shall cooperate in the exercise of their rights and duties under international law in order to coordinate conservation, exploitation and management of the living marine resources of the Bering Sea and the North Pacific Ocean. In particular, the Parties shall consult on actions to address the effects of unregulated fishing in the areas of the Bering Sea and North Pacific Ocean beyond the zones of the Parties.

ARTICLE XII

Each Party shall take appropriate steps to authorize fishing vessels of the other Party allowed to fish in its zone pursuant to this Agreement to enter specified ports pursuant to Annex II, which constitutes an integral part of this

Agreement, for the purpose of purchasing bait, supplies, outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XIII

Each Party shall take appropriate steps to ensure that observers of the other Party are permitted to board, upon request, vessels operating in the zone of that Party pursuant to this Agreement, and further that that Party shall be reimbursed for the costs incurred in the utilization of its observers consistent with the laws and regulations of each Party and on the basis of reciprocity. Such observers shall be accorded the courtesies and accommodations provided to ship's officers while on board such vessels, and the owners, operators, and crews of such vessels shall cooperate with observers in the conduct of their official duties.

ARTICLE XIV

1. In order to achieve the objectives of this Agreement the Parties shall establish an Intergovernmental Consultative Committee, hereinafter referred to as the "Committee".

2. The Committee shall consist of a representative and an alternate designated by each Party.

3. The Committee shall meet, unless otherwise agreed, at least once a year, alternately in the territory of each country.

4. The Committee shall review all matters pertaining to the implementation of this Agreement.

5. Recommendations of the Committee shall be set forth in the minutes of its meetings.

ARTICLE XV

For the purpose of facilitating the implementation of this Agreement, each Party shall designate a fisheries attache and appropriate staff within the respective embassies in Washington and Moscow.

ARTICLE XVI

Nothing contained in the present Agreement shall be deemed to prejudice:

a) the positions or views of either Party with respect to the existing territorial or other jurisdiction of the coastal state for all purposes other than the conservation and management of fisheries;

b) the rights or obligations of either Party under international law, including but not limited to, treaties and other international agreements to which they are a party; or

c) any arrangements between the Parties concerning fisheries enforcement in the Bering Sea or the position of either Party in the ongoing discussions concerning the extent of their respective maritime jurisdictions.

ARTICLE XVII

1. This Agreement shall enter into force on the date of the exchange of notes notifying the completion of internal procedures of both Parties, and remain in force for five years, unless extended by an exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party twelve months in advance.

2. Upon its entry into force, this Agreement shall supercede the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States of November 26, 1976, as Amended, and the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Concerning Fisheries off the Coasts of the Union of Soviet Socialist Republics of February 21, 1988.

DONE at Moscow, in duplicate, the thirty-first day of May, 1988, in the English and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

Handwritten signature of George P. Shultz in cursive script.

FOR THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST
REPUBLICS:

Handwritten signature of Gorbachev in cursive script.

ANNEX I
APPLICATION AND PERMIT PROCEDURES

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of one Party to engage in fishing for living resources over which the other Party exercises fishery management authority.

1. The competent authorities of one Party may submit an application to the competent authorities of the other Party for each fishing vessel of the Party that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the Party in whose zone the above fishing would occur.

2. The competent authorities of the Party in whose zone the fishing would occur shall review each application, shall determine whether to issue a permit, what conditions and restrictions related to fishery management and conservation may be needed, and what fee will be required. The competent authorities of the Party in whose zone the fishing would occur shall inform the competent authorities of the other Party of such determinations.

3. The competent authorities of the Party that has

submitted the application shall thereupon notify the competent authorities of the other Party of their acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of their objections thereto.

4. Upon acceptance of the conditions and restrictions by the competent authorities of the Party that has submitted the application and the payment of all fees, the competent authorities of the other Party shall approve the application and issue a permit for each fishing vessel of the Party that has submitted the application, which shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

5. In the event the competent authorities of the Party that has submitted the application notify the competent authorities of the other Party of their objections to a decision not to issue a permit, or to specific conditions and restrictions, the two Parties may consult with respect thereto and the competent authorities of the Party that has submitted the application may thereupon submit a revised application.

6. The provisions of this Annex may be amended by agreement through an exchange of notes between the two Parties.

ANNEX II
PROCEDURES RELATING TO PORT CALLS

1. Fishing vessels which have been issued permits pursuant to this Agreement are authorized to enter the ports of Boston, Portland (Oregon), Astoria and Dutch Harbor in the United States of America and Murmansk, Korf, Oktyabrski, and Provideniya in the Union of Soviet Socialist Republics, respectively, on the basis of reciprocity.

2. Fishing vessels of the Parties may enter the ports specified above to purchase bait, replenish ship's stores or fresh water, obtain bunkers, provide rest for or make changes in their crews, to obtain repairs and other services normally provided in these ports, and, as necessary, to receive permits. Authorized vessels enroute to one of the designated ports to receive a permit will be treated as non-fishing vessels, so long as such vessels observe the provisions of the Agreement. All such entries are subject to the applicable laws and regulations of the Parties.

3. Entry for Soviet fishing vessels to U.S. ports designated above shall be permitted subject to notice to the

United States Coast Guard, forwarded so as to be received four days in advance of the port entry using Telex, teletype, or telegram. Information concerning communciation procedures may be obtained from the United States Embassy in Moscow.

4. Entry for American fishing vessels to Soviet ports designated above shall be permitted subject to notice to INFLOT, forwarded so as to be received four days in advance of the port entry using Telex, teletype, or telegram. Information concerning communciation procedures may be obtained from the Embassy of the Soviet Union in Washington, D.C..

5. A Party in whose zone fishing is permitted will, at its Embassy in the other Party's capital, accept a crew list in application for visas valid for a period of six months for multiple entry into the specified ports. Such a crew list shall be submitted at least fourteen days prior to the first entry of a vessel into a port of the Party in whose zone fishing is permitted. Submission of an amended (supplemental) crewlist subsequent to departure of a vessel from a port of the Party whose vessels desire to make port calls pursuant to this Annex will also be subject to the provisions of this paragraph, provided that visas thereunder shall only be valid

for six months from the date of issuance of the original crew list visa. Notification of entry shall specify if shoreleave is requested under such multiple entry visa.

6. In cases where a seaman of the Party whose vessels have been issued permits is evacuated from his vessel to the country whose Government issued such permits for the purpose of emergency medical treatment, authorities of the Party whose vessels have been issued the permits will ensure that the seaman departs from the country whose Government issued those permits within fourteen days after his release from the hospital. During the period that the seaman is in the country whose Government issued those permits, representatives of the Party whose vessels have been issued those permits will be responsible for expenses incurred in evacuation, treatment and repatriation.

7. The exchange of crews of vessels of one Party in the specified ports shall be permitted subject to submission to the Embassy of the other Party, in Washington or Moscow respectively, of applications for individual transit visas and crewman visas for replacement crewmen. Applications shall be submitted fourteen days in advance of the date of the arrival of the crewmen at a port of the other Party and shall indicate

the names, dates and places of birth, the purpose of the visit, the vessel to which assigned, and the modes and dates of arrival of all replacement crewmen. Individual passports or seamen's documents shall accompany each application. Subject to its national laws and regulations, the Embassy will affix transit and crewman visas to each passport or seaman's document before it is returned. In addition to the requirements above, the authorities of the other Party shall receive, fourteen days in advance of arrival, the name of the vessel and date of its expected arrival, a list of names, dates and places of birth for those crewmen who shall be admitted to a port of the other Party, and the dates and manner of their departure from the port of the other Party.

8. Special provisions shall be made as necessary regarding the entry of research vessels of the respective Parties which are engaged in a mutually agreed research program in accordance with Article IX of the Agreement. Requests for entries of such research vessels should be forwarded to the competent authorities of the relevant Party through diplomatic channels.

9. The provisions of the Annex may be amended by agreement through an exchange of notes between the two Parties.