

JAPAN

Fisheries: King Crab

*Agreement effected by exchange of notes
Signed at Washington November 25, 1964;
Entered into force November 25, 1964.*

The Japanese Ambassador to the Secretary of State

EMBASSY OF JAPAN
WASHINGTON
November 25, 1964

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 in regard to the king crab fishery in the eastern Bering Sea, held in Washington from October 15 to November 14, 1964, and to confirm, on behalf of the Government of Japan, the following understandings reached as the result of this consultation :

1. The Government of Japan holds the view that king crabs are a high seas fishery resource, and that nationals and vessels of Japan are entitled to continue fishing for king crabs in the eastern Bering Sea.
2. The Government of the United States of America is of the view that the king crab is a natural resource 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 historical fact that nationals and vessels of Japan have over a long period of years exploited the king crab resource in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows :

- 1) The king crab fishery 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 the king crab stocks exploited historically by Japan; provided that, in order to avoid possible overfishing of the king crab resource 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 1965 and 1966 shall be equivalent to

185,000 cases respectively (one case being equivalent to 48 half-pound cans).

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 crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention [1] will be asked by the two Governments to continue and intensify the study of the king crab resource 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 resource.

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, 1966 to review the operation of these arrangements and the conditions of the king crab fishery of the eastern Bering Sea, and decide on future arrangements in the light of 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.

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 assurances of my highest consideration.

RYUJI TAKEUCHI
Ambassador of Japan

His Excellency
DEAN RUSK
*Secretary of State
of the United States of America*

¹ TIAS 2786; 4 UST 380.

APPENDIX

- a) Female king crabs, small king crabs less than 14.5 cms. in maximum carapace width and soft-shelled king crabs shall not be retained and used. Any such crabs taken incidentally shall be returned immediately to the sea with a minimum of injury.
- b) King crabs shall not be taken by means of fishing gear other than pot and tangle net. The stretched diagonal measure of tangle net mesh shall be no less than 50 cms.
- c) Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs for commercial purposes in that area lying seaward of the United States territorial sea and within the following described boundaries: a line running due west through Sea Lion Rock light and along 55°28' N. latitude to 165°34' W. longitude, thence southwesterly to an intersection of a line passing between Cape Navarin and Cape Sarichef at 55°16' N. latitude and 166°10' W. longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE
WASHINGTON
Nov 25 1964

EXCELLENCY :

I have the honor to refer to Your Excellency's note of November 25, 1964, which reads with Appendix 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 crab fishery in the eastern Bering Sea, held in Washington from October 15 to November 14, 1964, and to confirm, on behalf of the Government of Japan, the following understandings reached as the result of this consultation:

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

"2. The Government of the United States of America is of the view that the king crab is a natural resource 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 historical fact that nationals and vessels of Japan have over a long

period of years exploited the king crab resource in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

- 1) The king crab fishery 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 the king crab stocks exploited historically by Japan; provided that, in order to avoid possible overfishing of the king crab resource 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 1965 and 1966 shall be equivalent to 185,000 cases respectively (one case being equivalent to 48 half-pound cans).
- 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 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 crab resource 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 resource.
- 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, 1966 to review the operation of these arrangements and the conditions of the king crab fishery of the eastern Bering Sea, and decide on future arrangements in the light of 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.

"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."

"APPENDIX

"a) Female king crabs, small king crabs less than 14.5 cms. in maximum carapace width and soft-shelled king crabs shall not be

retained and used. Any such crabs taken incidentally shall be returned immediately to the sea with a minimum of injury.

“b) King crabs shall not be taken by means of fishing gear other than pot and tangle net. The stretched diagonal measure of tangle net mesh shall be no less than 50 cms.

“c) Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs for commercial purposes in that area lying seaward of the United States territorial sea and within the following described boundaries: a line running due west through Sea Lion Rock light and along 55°28' N. latitude to 165°34' W. longitude, thence southwesterly to an intersection of a line passing between Cape Navarin and Cape Sarichef at 55°16' N. latitude and 166°10' W. longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.”

I have the honor to inform Your Excellency that the above understandings reached by representatives of our two Governments are acceptable to the Government of the United States of America and that Your Excellency's note and this reply are considered as an agreement between our two Governments.

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

DEAN RUSK

His Excellency
RYUJI TAKEUCHI,
Ambassador of Japan.