

GOVERNING INTERNATIONAL FISHERY AGREEMENT
BETWEEN THE UNITED STATES AND THE RUSSIAN
FEDERATION

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

An Agreement between the Government of the United States of America
and the Government of the Russian Federation extending the Agreement
on Mutual Fisheries Relations of May 31, 1999, with annex, as ex-
tended, pursuant to 16 U.S.C. 1823(a)



JANUARY 20, 2005.—Referred to the Committee on Resources and ordered
to be printed.

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1999, with annex, as extended (the “Mutual Fisheries Agreement”). The present Agreement, which was affected by an exchange of notes in Moscow on March 3, 2003, and January 30, 2004, extends the Mutual Fisheries Agreement to December 31, 2008.

In light of the importance of our fisheries relationship with the Russian Federation, I urge the Congress to give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 6, 2005.*

**U.S. DEPARTMENT OF STATE
OFFICE OF LANGUAGE SERVICES
Translating Division**

**LS no. 02-2004-0025
JS/AEB
Russian**

No. 325/DSA [Department of North America]

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to The Embassy of the United States of America and has the honor to confirm receipt of the Embassy's note MFA no. 032/03 of March 3, 2003, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and has the honor to refer to the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on Mutual Fisheries Relations, as Amended and Extended, with annex (hereinafter—the Agreement).

On behalf of the Government of the United States of America, the Embassy has the honor, in accordance with Article XVII of the Agreement, which expires on December 31, 2003, to submit a proposal on extending the Agreement for an additional five-year period beginning on the aforesaid date and [continuing] until December 31, 2008. If this proposal is acceptable to the Government of the Russian Federation, the Embassy proposes that this note and the Russian side's note in reply thereto constitute an Agreement between our Governments, which will enter into force after an exchange of diplomatic notes upon the completion of the required domestic procedures by both sides.

EMBASSY OF THE
UNITED STATES OF AMERICA
Moscow

3/10/2004

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Page 2 of 2

The Embassy avails itself of this occasion to renew to the Ministry the assurance of its highest consideration.”

The Ministry has the honor to inform the Embassy of the Russian's side's concurrence with the foregoing and proceeds from the assumption that the Embassy's aforesaid note and this note in reply thereto will constitute an Agreement between the Government of the Russian Federation and the Government of the United States of America on this matter. In view of the fact that the internal procedures required for the entry into force of this Agreement have been carried out in the Russian Federation, the Ministry proceeds on the assumption that it will enter into force on the date of notification in reply that the U.S. side has carried out the appropriate internal procedures.

The Ministry of Foreign Affairs of the Russian Federation avails itself of the opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Moscow
January 30, 2004

/Seal of the RF Ministry of Foreign Affairs/

3/10/2004

EMBASSY OF THE
UNITED STATES OF AMERICA

MFA No. 032/03

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Russian Federation, and has the honor to refer to the Agreement between the Governments of the United States of America and the Union of Soviet Socialist Republics on Mutual Fisheries Relations, with Annexes, signed on May 31, 1988, as extended and amended (the Agreement).

The Embassy has the honor to propose, on behalf of the United States of America, that, pursuant to its Article XVII, the Agreement, which is currently scheduled to expire on December 31, 2003, be extended for an additional five-year period from that date, until December 31, 2008. If this proposal is acceptable to the Government of the Russian Federation, the Embassy of the United States of America proposes that this note and the favorable note in reply of the Russian side, shall constitute an Agreement between our two Governments, which shall enter into force upon a subsequent exchange of diplomatic notes following both parties' fulfillment of the required internal procedures of both parties.

The Embassy of the United States avails itself of the opportunity to extend to the Ministry of Foreign Affairs of the Russian Federation renewed assurances of its highest consideration.

Embassy of the United States of America
Moscow, March 3, 2003



№325/дса

Министерство Иностранных Дел Российской Федерации свидетельствует свое уважение Посольству Соединенных Штатов Америки и имеет честь подтвердить получение ноты Посольства МФА № 032/03 от 3 марта 2003 г. следующего содержания:

"Посольство Соединенных Штатов Америки свидетельствует свое уважение Министерству иностранных дел Российской Федерации и имеет честь сослаться на Соглашение между Правительством Союза Советских Социалистических Республик и Правительством Соединенных Штатов Америки о взаимных отношениях в области рыбного хозяйства (с приложениями) от 31 мая 1988 г., которое продлевалось и дополнялось (далее - Соглашение).

От имени Правительства Соединенных Штатов Америки Посольство имеет честь в соответствии со статьей XVII Соглашения, действие которого истекает 31 декабря 2003 г., внести предложение о продлении действия Соглашения на дополнительный 5-летний период, начиная с указанной даты и до 31 декабря 2008 г. Если это предложение приемлемо для

ПОСОЛЬСТВУ
СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ

г. Москва

02.02.04

Правительства Российской Федерации, Посольство предлагает, чтобы данная нота и ответная нота Российской Стороны составили Соглашение между нашими Правительствами, вступающее в силу после обмена дипломатическими нотами по завершении обеими Сторонами требуемых внутренних процедур.

Посольство пользуется случаем, чтобы возобновить Министерству уверения в своем весьма высоком уважении".

Министерство имеет честь сообщить Посольству о согласии Российской Стороны с изложенным и исходит из того, что указанная нота Посольства и настоящая ответная нота составят Соглашение между Правительством Российской Федерации и Правительством Соединенных Штатов Америки по данному вопросу. Учитывая, что внутригосударственные процедуры, необходимые для вступления в силу указанного Соглашения, в Российской Федерации выполнены, Министерство исходит из того, что оно вступит в силу с даты ответного уведомления о выполнении Американской Стороной соответствующих внутригосударственных процедур.

Министерство Иностранных Дел Российской Федерации пользуется случаем, чтобы возобновить Посольству Соединенных Штатов Америки уверения в своем весьма высоком уважении.



Москва, «30» января 2004 года

1-4165

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

Signed: 31 May 1988

Entered into Force: 7 November 1988 (P.L. 100-629)

TIF: EIF 28 October 1988
Expires: ~~31 May 1993~~
28 October 1988

Press Release, 2 June 1988, p. 1-4120

Memorandum of Understanding, 9 February 1989, p. 1-4121

Joint Press Statement, 9 February 1989, p. 1-4123

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:

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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 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.

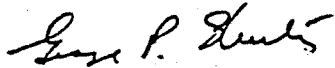
ARTICLE XVII

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.

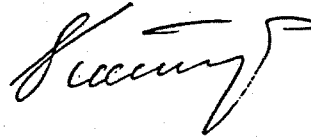
2. Upon its entry into force, this Agreement shall supersede the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States of November 26, 1976, as Amended, and the Agreement Between the 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,
1922, in the English and Russian languages, each text being
equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

A handwritten signature in dark ink, appearing to read "George P. Shultz".

FOR THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST
REPUBLICS:

A handwritten signature in dark ink, appearing to read "Vyacheslav Molotov".

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 communication 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 communication 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.

1-410U

June 2, 1988

U.S. - USSR COMPREHENSIVE FISHERIES AGREEMENT

On May 31, Secretary of State Shultz and Foreign Minister Shevardnadze signed a comprehensive fisheries agreement which will govern the bilateral fisheries relationship between the United States and the Soviet Union. The five-year agreement will provide opportunities for fishermen from both countries to engage in commercial fishing ventures in the 200-mile zones of the other country. This agreement reflects the improved cooperation between the two countries in the field of fisheries.

Since the establishment of the U.S. 200-mile zone in 1977, Soviet vessels have fished in U.S. waters under the terms of a Governing International Fisheries Agreement (GIFA). Until recently, U.S. fishermen were unable to utilize all available stocks in U.S. waters and surplus stocks were allocated to the Soviet Union and other foreign countries for direct fishing or for mutually beneficial joint ventures. However, because U.S. fishermen are now able to harvest nearly all available fish resources in U.S. waters, there is increased interest fishing opportunities in other countries' waters, particularly in the Soviet zone.

As a first step in providing the U.S. industry with access to Soviet waters, Secretary Shultz and Foreign Minister Shevardnadze signed an agreement on February 21 which allows such access on an interim basis. The new comprehensive agreement of May 31 replaces both the GIFA and the interim agreement of February 21 and governs under similar terms access to the 200 mile zones of both countries by fishing vessels of the other country. The U.S. industry will now be able to enter into harvesting, marketing, processing, and other commercial fishing ventures with the Soviet industry in the Soviet zone. There is particularly strong interest in the U.S. industry for joint ventures involving the utilization of crab, pollock, and other species from Soviet waters.

The comprehensive fisheries agreement also provides a framework for cooperation between the two countries on other fisheries issues of mutual concern. Among other issue, the two sides have agreed to cooperate on addressing the conservation of pollock and other species in the areas of the Bering Sea beyond their 200-mile zones and the protection of salmon on the high seas areas of the North Pacific Ocean. A U.S.-Soviet Intergovernmental Fisheries Committee will be established under the terms of the agreement to review, on a regular basis, all aspects of the bilateral fisheries relationship.

For further information, contact: Larry L. Snead, Director
CES/OFA (202) 647-2335

MEMORANDUM OF UNDERSTANDING

The Representatives of the Governments of the United States and the Soviet Union to the Intergovernmental Consultative Committee have agreed to record the following in connection with Article VII of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations, signed at Moscow on May 31, 1988 (hereinafter referred to as "the Agreement"), in order to further cooperation on the conservation and management of anadromous Salmonidae in the North Pacific Ocean:

1. The Representatives of the United States and the Soviet Union recognize the principle that fishing for anadromous species of U.S. and Soviet origin in areas beyond any exclusive economic zone or its equivalent is a wasteful method for harvesting anadromous species and is contrary to the requirements of rational management.
2. The Representatives of the United States and the Soviet Union further recognize the principle that no harvesting or taking of anadromous species should occur in areas beyond any exclusive economic zone or its equivalent, except as provided for under their international agreements.
3. The Parties agree to work together, consistent with their international obligations, to reach multilateral agreements to conserve and manage anadromous species in the areas of the North Pacific Ocean beyond any exclusive economic zone or its equivalent.
4. The Parties agree to exchange information on the unauthorized harvest of anadromous species in the North Pacific Ocean, including:
 - (a) available information on unauthorized harvests of anadromous species from surface vessel and aircraft surveillance patrols in the North Pacific Ocean;
 - (b) available information on the sale, purchase, or transport of such unauthorized harvests of anadromous species;
 - (c) other relevant information.

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5. The Parties will take, consistent with international law, the necessary measures to ensure that fishery enforcement activities of each Party may be conducted where feasible on a cooperative basis, including in the following aspects:

- (a) the competent authorities of the two Parties will facilitate cooperation on anadromous species enforcement issues between the two Parties;
- (b) the competent authorities of either Party may investigate where feasible reports from competent authorities of the other Party of the unauthorized harvest, sale, purchase, or transport, of anadromous species; and
- (c) the competent authorities of the two Parties will exchange information regarding the results of enforcement actions taken regarding anadromous species.

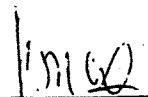
Detailed arrangements will be coordinated between the competent authorities of the two Parties.

6. The Parties shall form a working group of experts to consider further efforts to enhance the effectiveness of conservation and management measures, including, inter alia, cooperative enforcement and other efforts among countries of origin of anadromous species.

9 February 1989



Representative of the
United States of America



Representative of the Union
of Soviet Socialist
Republics

JOINT PRESS STATEMENT

The U.S.-USSR Intergovernmental Consultative Committee on Fisheries (the Committee), which was established pursuant to the May 31 Comprehensive Fisheries Agreement, held its first meeting in Washington, D.C. from February 6-10, 1989. The Committee considered a number of fisheries issues, including the conservation of salmonids on the high seas of the North Pacific Ocean, the expanded pollock fisheries in the central Bering Sea, and the provisions for reciprocal access to the fisheries resources of the two countries' 200 nautical mile zones. The two delegations were headed by their respective Representatives on the Committee, Dr. V.K. Zilanov, Deputy-Minister, Soviet Ministry of Fisheries, and Ambassador Edward E. Wolfe, Deputy Assistant Secretary for Oceans and Fisheries Affairs, U.S. Department of State.

The Committee considered in detail matters related to the conservation of salmonids in the North Pacific Ocean beyond the U.S. and Soviet 200-mile zones and the zones of other countries. It was agreed that fishing for salmonids beyond 200 mile zones is an irrational and wasteful harvesting method and that all efforts should be taken to prevent the unauthorized possession, harvest, transport, and sale of salmon in the North Pacific. Noting their concern over the unauthorized harvest of salmon in this region, the two Representatives signed an agreement on areas in which they can increase their bilateral cooperation in the field of enforcing salmon conservation measures. The two sides also agreed to consider the possibility for multilateral cooperation of the countries concerned which would provide for the protection of salmonid stocks on the areas of the North Pacific beyond 200 nautical miles.

The Committee considered in detail the unregulated harvest of pollock in the central Bering Sea. Scientists of both sides reviewed the findings made during bilateral talks in Leningrad in October 1988 and agreed that the harvests in the central Bering Sea are clearly detrimental to the stocks in the adjacent zones. The two sides considered specific measures which could be taken to prevent adverse impacts on the Bering Sea pollock stocks from this large-scale unregulated fishery. It was agreed that the two delegations would work towards the finalization of recommendations for regulatory measures for the central Bering Sea at an early date.

L-4184

The Committee also reviewed the progress made in the establishment of cooperative commercial ventures in the field of fisheries between their respective industries as provided for under the Comprehensive Fisheries Agreement. The Parties expressed satisfaction regarding the establishment of joint Soviet American enterprises in various aspects of the fishing industry since the March 1988 meeting in Khabarovsk, and agreed to facilitate the establishment of contacts between the interested enterprises and companies. The two delegations also considered the technical aspects of reciprocal fishing privileges, including familiarization with laws and regulations on fishing applying to operations by vessels of each country operating in the zone of the other country.

Scientists from both countries agreed to joint research on salmonids and groundfish, the exchange of scientific information on salmonids, groundfish, and crab, and the exchange of scientists to conduct research on stocks of mutual interest. It was agreed to hold a symposium on Pacific salmon biology in the near future in the Soviet Union.

The Committee agreed to hold its next meeting in the Soviet Union at a time to be agreed upon.

[March 11, 1993]

Excellency:

I have the honor to refer to the Sixth Meeting of the U.S.-Russia Intergovernmental Consultative Committee on Fisheries, held at Washington January 11 and 12, 1993, and to the Agreement on Mutual Fisheries Relations, with Annexes, signed at Moscow May 31, 1988 (the Agreement).

I have the honor to propose, on behalf of my Government, that Annex I of the Agreement be replaced in its entirety by the Annex attached to this note, and that the Agreement, now scheduled to expire on October 28, 1993, be extended through December 31, 1998.

I also have the honor to propose that Article V of the Agreement be amended to read as follows:
 " Permits for fishing in the zone of each party, and information on such fishing, shall be issued pursuant to Annex I, which constitutes an integral part of this Agreement.

I have the further honor to propose that, if this is acceptable to Your Excellency, this note and Your Excellency's note in reply shall constitute an agreement between our two Governments, which shall enter into force on a date to be determined in a subsequent exchange of diplomatic notes following the completion of all necessary internal procedures of both parties.

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

For the Secretary of State:

A handwritten signature in dark ink, appearing to read "David A. Brown", written in a cursive style.

Attachment:

Revised Annex I.

ANNEX I

PERMIT ISSUANCE PROCEDURES AND EXCHANGE OF INFORMATION
ON FISHING OF THE PARTIES IN
EACH OTHER'S ZONES

The following procedures shall govern the issuance of annual permits to vessels of the other Party for the conduct of fishing for living marine resources in respect of which the other Party exercises management authority and the exchange of information on such fishing.

1. Permits for fishing in the zone of the other Party shall be issued in accordance with the laws and regulations of the other Party.
2. The other Party shall notify the requesting Party of the terms and conditions regarding fishing for living marine resources in its zone by vessels of the requesting Party, and of the tonnage of living marine resources harvested, processed, or otherwise taken on board, or transshipped by each permitted vessel.
3. Each Party shall cooperate to exchange data pertaining to living marine resources harvested in its zone by permitted vessels of the other Party and transshipped between their zones.
4. The procedure for the exchange of information and data specified in paragraphs 2 and 3 of this Annex will be developed by technical experts of the Committee formed pursuant to Article XIV.
5. Each Party shall make available information on fishing for living marine resources in its zone by permitted vessels of the other Party only to that other Party.
6. The provisions of this Annex may be amended by agreement through an exchange of notes between the Parties.

DEPARTMENT OF STATE
OFFICE OF LANGUAGE SERVICES
Translating Division

LS No. 142590
Russian
TM/

Washington, September 15, 1993
No. 62

Dear Mr. Secretary:

I have the honor to confirm receipt of your note of March 11, 1993, which reads as follows:

"Your Excellency:

"I have the honor to refer to the Sixth Meeting of the U.S.-Russia Intergovernmental Consultative Committee on Fisheries, held at Washington January 11 and 12, 1993, and to the Agreement on Mutual Fisheries Relations, with Annexes, signed at Moscow May 31, 1988 (the Agreement).

"I have the honor to propose, on behalf of my Government, that Annex I of the Agreement be replaced in its entirety by the Annex attached to this note, and that the Agreement, now scheduled to expire on October 28, 1993, be extended through December 31, 1998.

"I also have the honor to propose that Article V of the Agreement be amended to read as follows: 'Permits for fishing in the zone of each party, and information on such fishing, shall be

His Excellency,
Warren CHRISTOPHER,
Secretary of State
of the United States of America,
Washington, D.C.

issued pursuant to Annex I, which constitutes an integral part of this Agreement.'

"I have the further honor to propose that, if this is acceptable to Your Excellency, this note and Your Excellency's note in reply shall constitute an agreement between our two Governments, which shall enter into force on a date to be determined in a subsequent exchange of diplomatic notes following the completion of all necessary internal procedures of both parties.

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

"Annex I

"Permit issuance procedures and exchange of information on fishing of the parties in each other's zones.

"The following procedures shall govern the issuance of annual permits to vessels of one Party for the conduct of fishing for living marine resources in respect of which the other Party exercises management authority over fishing and the exchange of information on such fishing.

"1. Permits for fishing in the zone of the other Party shall be issued in accordance with the laws and regulations of the other Party pertaining to this matter.

"2. The other Party shall notify the requesting Party of the terms and conditions regarding fishing for living marine resources in its zone by vessels of the requesting Party, and of the tonnage of living marine resources harvested, processed, or otherwise taken on board, or transshipped by each permitted vessel.

"3. Each Party shall cooperate by exchanging data pertaining to living marine resources harvested in its zone by

permitted vessels of the other Party and transshipped between their zones.

"4. The procedure for the exchange of the information and data specified in paragraphs 2 and 3 of this Annex will be developed by technical experts of the Committee formed pursuant to Article XIV.

"5. Each Party shall make available information on fishing for living marine resources in its zone by permitted vessels of the other Party only to that Party.

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

I have the honor to inform you that the Government of the Russian Federation concurs that your note and this note in reply should be considered an agreement between our Governments on this matter. Considering that all necessary internal procedures have been followed in the Russian Federation, we assume that this agreement shall enter into force on the date on which the American Side informs us by diplomatic note of the completion of its necessary internal procedures.

Accept, Mr. Secretary, the renewed assurances of my highest consideration.

Sincerely,

(signature)

Vladimir LUKIN,
Ambassador of the Russian Federation to the U.S.A.,
Washington, D.C.