

# North Pacific Fishery Management Council

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March 10, 1977

## MEMORANDUM

TO: All Council Members  
FROM: Council Staff  
SUBJECT: Japanese GIFA

The following is a quick analysis of the Agreement between the Government of the United States of America and the Government of Japan concerning fisheries off the coast of the United States of America initiated on February 10, 1977 and intended to go into effect in one year, after approval by Congress and the Japanese Government. This analysis is made with general reference to the GIFA with Poland, which can be considered a model of the genre, and how it treats the Pacific salmon resource.

Basic definitions and intent are consistent in Articles I and II as they relate to Articles I and II in the Polish agreement. The arrangement for periodic bilateral consultations in Japanese Article III may be construed as a generality with no specific timetable. The establishment of an appropriate multi-lateral organization for the collection and analysis of scientific data appears to be in line with other foreign agreements.

The determinations by the Government of the United States in Article IV which include 1) the total allowable catch based on optimum yield of the resource, 2) what portion of the total allowable catch which will be harvested by U.S. fishing vessels and the portion that will subsequently be made available to fishing vessels of Japan, appear to be in order. The measures necessary to prevent overfishing are not spelled out as in the Polish GIFA; whether this will affect the U.S. ability to institute necessary control measures is doubtful.

The measures which do not appear in the Japanese agreement but do in the Polish GIFA are 1) designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with

specified types and quantities of fishing gear; 2) limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass and other factors; 3) limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel or the total fleet may engage in fishing in a designated area within the fishery conservation zone or for specified fishery; 4) requirements as to the types of gear that may or may not be employed; and 5) requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position fixing and identification equipment.

The Japanese GIFA says only that the U.S. "shall determine each year---the following---(c) the measures necessary to prevent overfishing."

References to salmon in the Japanese agreement occur in three places. Article VI says that the governments of Japan and of the United States shall hold consultations concerning necessary conservation measures for the anadromous species in such waters where fish of U.S. origin intermingle with the same species of other origins. In the preamble Japan acknowledges U.S. authority over anadromous species -- of U.S. origin throughout their migratory range.

Paragraph 2 of the Agreed Minutes, stating the U.S. intention to consult with the Government of Japan prior to an enforcement action regarding anadromous species outside 200 miles seems to negate the acknowledgement of U.S. authority as stated in the preamble. This may be the most unpalatable of the references to salmon in the agreement.

This is foggy language and may present difficulties, over and above those inherent in the salmon distribution and migration patterns, in developing an effective management regime. Rapid development of a Council management plan for the ocean salmon fisheries may reveal the agreement's strengths and weakness' in time to avoid getting locked into this five year agreement. Assuming of course that the agreement as written adversely affects management of our salmon stocks.

Articles of Agreement pertaining to marine mammals, vessel identification, U.S. observers, seizure of Japanese vessels, penalty restrictions, scientific research, 12 month termination notice and 24 month review notice appear to be in order, and consistent with other agreements.

All procedures governing the application and issuance of foreign permits appear to be consistent with every other international fishery agreement.

Considering the final Annexes to the Japanese agreement, there is no mention or reference to any mechanism for negotiating gear losses, i.e., the Polish/American and Russian/American agreements for negotiating gear losses. Also apparent in the last Annex to this agreement is the contradiction in reporting requirements from the two coasts, requiring quarterly catch and effort statistical reports from the Atlantic coast and yearly catch statistics from the Pacific coast.

In the Agreed Minutes there is a provision to allow Japanese fishing vessels to enter United States ports in accordance with U.S. laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or such other purposes as may be authorized. This seems rather superfluous since Japanese ships are already permitted under U.S. law to do all those things - it probably helps its image in Japan however.

In summary, it can be said that the Japanese GIFA is far from being specific on many of the issues and in fact, is so foggily written that it can mean almost anything to almost anyone. That is probably the rationale behind its writing. We have known from the start that the Japanese Government had a great deal of difficulty even talking about the subject, let alone agreeing to the Fishery Conservation and Management Act of 1976. Perhaps the GIFA should be judged more on what is left unsaid than what is said. We know from past agreements with Japan over fishery matters in the North Pacific that many of the things that have actually been negotiated and eventually regulated did not appear in the written agreement available for general perusal.

The fact that all of the countries engaged in the fisheries of the North Pacific have agreed, at least in essence, to abide by U.S. authority to 200 miles, and beyond for anadromous species and continental shelf resources is a tremendous accomplishment that many doubted would ever happen when the legislation was first passed. Perhaps initial agreements should be viewed from that perspective.

AGREEMENT BETWEEN THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF JAPAN  
CONCERNING FISHERIES OFF THE COASTS  
OF THE UNITED STATES OF AMERICA

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

Considering their common concern for the rational management,  
conservation and optimum utilization of fishery resources off the  
coasts of the United States,

Recognizing that there have been new international developments  
on the law of the sea,

Acknowledging that the United States has established a fishery  
conservation zone within 200 nautical miles of its coasts within  
which the United States exercises fishery management authority over  
all fish and that the United States also exercises such authority  
over the living resources of the continental shelf appertaining  
to the United States and over anadromous species of fish of United  
States origin throughout their migratory range,

Acknowledging also that Japan has been cooperating for the  
rational management and conservation of the living resources of the  
high seas off the coasts of the United States and that the nationals  
and vessels of Japan have traditionally been engaging in the  
development and utilization of these resources, and

Desirous of establishing reasonable terms and conditions per-  
taining to fisheries of mutual concern,

Have agreed as follows:

## ARTICLE I

The Government of the United States and the Government of Japan undertake to ensure effective conservation, optimum utilization and rational management of the fishery resources of mutual interest off the coasts of the United States and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of Japan for the living resources off the coasts of the United States over which the United States exercises fishery management authority.

## ARTICLE II

As used in this Agreement, the term

(1.) "fishery conservation zone" means an area of waters contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

(2.) "living resources off the coasts of the United States" means all fish within the fishery conservation zone, all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters (hereinafter referred to as the "anadromous species of United States origin"), throughout their migratory range, and sedentary species of the continental shelf appertaining to the United States which are, at the harvestable stage, either immobile on or under the seabed, or unable to move except in constant physical contact with the seabed or subsoil;

(3.) "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds, and species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean;

(4.) "fishery resources" means one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics;

(5.) "fishery" means any fishing for fishery resources;

(6.) "fishing" means

- (A) the catching, taking or harvesting of fish;
- (B) the attempted catching, taking or harvesting of fish;
- (C) any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (D) any operations at sea directly in support of, or in preparation for, any activity described in sub-paragraphs (A) through (C) above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity conducted by a scientific research vessel;

(7.) "fishing vessel" means any vessel, boat, ship or other craft that is used for, equipped to be used for, or of a type that is normally used for

- (A) fishing;
- (B) performing any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; or
- (C) aiding or assisting one or more vessels at sea in the performance of any activity mentioned in (A) or (B) above;

(8.) "marine mammals" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea, or primarily inhabits the marine environment, such as polar bears.

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ARTICLE III

The Government of the United States and the Government of Japan shall carry out periodic bilateral consultations regarding the implementation of this Agreement, the determinations to be made by the Government of the United States in accordance with Article IV of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

ARTICLE IV

1. The Government of the United States shall determine each year, with respect to the living resources off the coasts of the United States, the following, taking into account, as appropriate, the consultations with the Government of Japan referred to in Article III of this Agreement, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks;

- (A) the total allowable catch for each fishery resource to be determined on the basis of the best available scientific evidence and with a view to achieving on a continuing basis the optimum yield of resources, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;
- (B) the portion of the total allowable catch for a specific fishery resource that, on an annual basis, will not be harvested by fishing vessels of the United States and may be made available to fishing vessels of Japan; and
- (C) the measures necessary to prevent overfishing.

2. The Government of the United States shall notify the Government of Japan of the determinations referred to in paragraph 1 above on a timely basis.

#### ARTICLE V

In determining the portion that may be made available to fishing vessels of Japan in accordance with Article IV, paragraph 1 (B) of this Agreement, the Government of the United States shall promote the objective of optimum utilization, and shall take into account, inter alia, traditional fishing by nationals and vessels of Japan, contributions to fishery research and the identification of stocks by Japan, previous cooperation by Japan in enforcement and with respect to conservation and management of fishery resources of mutual concern, and the need to minimize economic dislocation in cases where fishing vessels of Japan have habitually fished for living resources off the coasts of the United States.

#### ARTICLE VI

In view of the fact that the anadromous species of United States origin intermingle with such species of other origins in certain waters of their migratory range, the Government of Japan and the Government of the United States shall hold consultations concerning necessary conservation measures for the anadromous species in such waters.

#### ARTICLE VII

The Government of Japan shall take all necessary measures to ensure:

- (A) that nationals and vessels of Japan refrain from fishing for living resources off the coasts of the United States, except as authorized pursuant to this Agreement;



- (B) that all such fishing vessels engaging in fishing under this Agreement comply with the terms and conditions established under this Agreement; and
- (C) that the portion referred to in Article IV, paragraph 1 (B) of this Agreement is not exceeded for any fishery.

#### ARTICLE VIII

1. The Government of Japan shall provide the Government of the United States with information concerning the identity and operation of each fishing vessel of Japan that wishes to engage in fishing for living resources off the coasts of the United States, in accordance with Annex I of this Agreement, which forms an integral part hereof.

2. On receipt of the information referred to in paragraph 1 above, the Government of the United States shall take the necessary administrative measures, including the issuance of permits pursuant to applicable laws of the United States, to enable fishing vessels of Japan, in accordance with the provisions of this Agreement, to engage in fishing for living resources off the coasts of the United States. Such measures may include requirement of the payment of reasonable fees to facilitate the implementation of this Agreement and to ensure the conservation and management of the living resources off the coasts of the United States.

#### ARTICLE IX

The Government of Japan shall ensure that nationals and vessels of Japan refrain from harassing, hunting, capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization

for and controls on incidental taking of marine mammals established by the Government of the United States.

#### ARTICLE X

The Government of Japan shall ensure that in the conduct of the fisheries under this Agreement, fishing vessels of Japan comply with any administrative measures taken by the Government of the United States in accordance with Article VIII, paragraph 2 of this Agreement.

#### ARTICLE XI

1. The Government of Japan shall take appropriate measures to ensure that each fishing vessel of Japan fishing pursuant to this Agreement for living resources off the coasts of the United States, allow and assist the boarding and inspection of such vessel by any duly authorized enforcement official of the United States, and cooperate in such enforcement action as may be undertaken.

2. In cases of seizure of a fishing vessel of Japan and of arrest of its crews by the authorities of the Government of the United States, notification shall be given promptly through diplomatic channels informing the Government of Japan of the action taken.

3. Seized fishing vessels and arrested crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

#### ARTICLE XII

The United States will impose appropriate penalties in accordance with its laws on fishing vessels of Japan or their owners or operators that do not comply with the requirements of this Agreement or of any administrative measure taken hereunder.

#### ARTICLE XIII

The Government of the United States and the Government of Japan undertake to cooperate in the conduct of scientific research required for the purpose of managing and conserving the living resources off the coasts of the United States, including the compilation of best available scientific information for the management and conservation of stocks of mutual concern. The competent agencies of the two Governments shall enter into such arrangements as may be necessary to facilitate such cooperation, including the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and the implementation and maintenance of a standardized system for the collection and archiving of relevant statistical and biological information in accordance with Annex II, which forms an integral part of this Agreement.

#### ARTICLE XIV

Nothing contained in this Agreement shall affect or prejudice in any manner the positions of either Government with respect to the extent of internal waters, of the territorial sea, of the high seas, or of coastal state jurisdiction or authority for any purpose other than the conservation and management of fishery resources.

#### ARTICLE XV

The Annexes to this Agreement may be modified by agreement between the two Governments in the form of an exchange of notes.

#### ARTICLE XVI

1. This Agreement shall be approved by each country in accordance with its internal procedures. It shall enter into force through an exchange of notes on a date to be mutually agreed upon thereafter

between the Government of the United States and the Government of Japan, and shall remain in force until December 31, 1982 unless terminated sooner by either Government after giving notification of such termination twelve months in advance.

2. This Agreement shall be subject to review by the two Governments two years after its entry into force or upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at \_\_\_\_\_, on the \_\_\_\_\_ 1977  
in duplicate in the English and Japanese languages, both equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF  
JAPAN:



ANNEX I

The following procedures shall govern the application for and issuance of annual permits authorizing fishing vessels of Japan to engage in fishing for living resources off the coasts of the United States:

1. The Government of Japan will submit an application to the Government of the United States for each fishing vessel of Japan that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the Government of the United States for that purpose.

2. Any such applications shall specify

- (A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- (B) the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the fishing vessel as may be requested;
- (C) a specification of each fishery in which each such fishing vessel wishes to fish;
- (D) the amount of fish or tonnage of catch by species contemplated for each such fishing vessel during the time such permit is in force;
- (E) the ocean area in which, and the season or period during which, such fishing would be conducted; and
- (F) such other relevant information as may be requested.

3. The Government of the United States shall review each application, shall determine what conditions and restrictions related to management and conservation of fishery resources may be needed, and what fee will be required. The Government of the United States shall inform the Government of Japan of such determinations.

4. The Government of Japan shall thereupon notify the Government of the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by the Government of Japan and the payment of any fees, the Government of the United States shall approve the application and issue a permit for each fishing vessel of Japan, which fishing vessel 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 fishing vessel and shall not be transferred.

6. In the event the Government of Japan notifies the Government of the United States of its objections to specific conditions and restrictions, the two Governments may consult with respect thereto and the Government of Japan may thereupon submit a revised application.

## ANNEX II

The procedures described below are designed to contribute to continuing needs for assessment of the status of stocks and management of fishery resources. However, specific needs may develop from time to time which require a change in standard procedures, or additional data for special studies. Also, the pattern of fisheries will change. These aspects require that the procedures must be flexible enough to accommodate necessary changes.

All data described below shall be provided to the designated representative of the National Marine Fisheries Service of the Department of Commerce of the United States.

### 1. Catch and Effort Statistics

#### A. Atlantic Coast

Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 30-minute square areas shall be reported by fishing vessel for the previous quarter. These will be reported using 30-minute square Statlant 21 B Forms, magnetic tape, computer cards or printouts for all species and gear types.

Fishing vessel logbook data is to be available for selected, specific joint assessment studies. The collection of samples, specified in 2 below, should also be annotated in the logbook.

#### B. Pacific Coast

By May 30 of the following year, annual catch and effort statistics shall be provided as follows: catch in

metric tons and effort in hours trawling, effort in number of longline (hachi) units, effort in number of pots, effort in number of hours of longline or pots soaking time, effort in number of Danish seine sets, and effort in number of days fishing by vessel class, by gear type, by month, by half degree Latitude x one degree Longitude statistical area, by the following species groups:

- Yellowfin sole
- Rock sole
- Arrowtooth flounder
- Flathead sole
- Dover sole
- Other flounders
- Pacific ocean perch
- Other rockfishes
- Pacific cod
- Sablefish
- Pollock
- Atka mackerel
- King crab
- Tanner crab
- Herring
- Other species taken in excess of 1,000 metric tons
- All other species combined

These annual catch and effort statistics shall be provided using magnetic tape, computer cards or printouts.

In addition to the annual statistical report above, provisional monthly fishery information shall be provided by the end of the following month as follows: catch in metric tons and effort in vessel-days on the grounds by gear type, by vessel class, by the species groups listed in (1) below, for each of the International North Pacific Fisheries Commission (INPFC) statistical areas listed in (2) below:



- (1) King crab  
Tanner crab  
Pollock  
Pacific cod  
Rockfishes  
Flatfishes  
Sablefish  
Herring  
Others
  
- (2) Bering Sea; Subareas 1, 2, 3 and 4  
Aleutian Region  
Shumagin Region  
Chirikof Region  
Kodiak Region  
Yakutat Region  
Southeast Region  
Charlotte Region  
Vancouver Region  
Columbia Region  
Eureka Region  
Monterey Region  
Conception Region  
and other designated areas

## 2. Biological Statistics

### A. Atlantic Coast

#### (1) Length-age composition samples

- a Samples should be taken separately for each gear type (e.g., bottom trawl, pelagic trawl, purse seine) and water layer (e.g., on the bottom, midwater level) combination every month for which fishing is pursued by 30-minute square areas throughout the Agreement area. One sample should be taken for every 1,000 metric tons or fraction thereof within the above categories.
  
- b Data to be recorded for each sample:  
Vessel classification, e.g., trawler,  
seiner  
Method of fishing, e.g., pelagic  
Specific type of trawl, including reference  
to its construction or actual scale drawing

Mesh sizes  
Tonnage of the species sampled in the  
trawl haul  
Total weight of the fish sampled  
Time of day of haul  
Date  
Latitude and longitude of haul

c Sampling procedures

- (i) Species for which the catch is sorted
  - (a) From a single net haul take 4 random samples of approximately 50 fish each. (For species with less than 200 fish in a single trawl haul accumulate samples over trawl hauls until approximately 200 fish are taken.)
  - (b) Measure fork length for each fish to nearest centimeter. Where other measurement systems are used, appropriate conversion information must be supplied.
  - (c) Take a subsample of one fish from each centimeter interval and remove scales and otoliths as appropriate. Record the sex of mature individuals.
- (ii) Species for which the catch is not sorted
  - (a) From a single net haul take 2 random samples of approximately 30 kilograms each.
  - (b) Measure fork length for each fish to nearest centimeter by species.

Where other measurement systems are used, appropriate conversion information must be supplied.

- (c) Take a subsample of one fish from each centimeter interval by species and remove scales and otoliths as appropriate. Record the sex of mature individuals.

(2) Length-weight samples

Individuals of one sample of each principal species of fish (e.g., expected yearly catch in the Agreement area of 500 or more metric tons), per International Commission for the Northwest Atlantic Fisheries (ICNAF) Division per month, should be weighed in grams and measured in millimeters. Each sample will contain 10 fish per centimeter interval. The length range of fish may be accumulated if necessary from small samples taken over several catches and days. With small fish, where weighing at sea of individuals is not accurate, appropriate numbers of fish of the same length class shall be weighed in aggregate. Sex shall be recorded for mature individuals.

B. Pacific Coast

Biological sampling by fishing vessels of Japan shall be conducted and measurements from sampling recorded as required according to procedures developed and coordinated through consultations between scientists of the United States and Japan so as to determine the

representative length, age and weight of individual fish in the catch.

When such samples are collected, the Government of Japan shall provide by May 30 of the following year the annual biological statistics which shall include:

- (1) Length frequency data by vessel class, by gear type, by month, by half degree Latitude x one degree Longitude statistical area, by sex, and by species previously identified in 1 B for annual catch and effort statistics;
- (2) Length-weight data of each principal species (e.g., expected yearly catch in the Agreement area of 500 or more metric tons) by INPFC statistical area (previously identified in 1 B). As scientific need arises, samples of scales or otoliths shall also be taken for age determination.

### 3. Other Statistical Requirements

As further statistics are required for analyses and should fisheries for other species and areas be conducted (other than those identified in 1 and 2), the procedures for such data collection and reporting shall be developed and coordinated through consultations between scientists of the United States and Japan.

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 Agreement between the Government of the United States of America and the Government of Japan concerning Fisheries off the Coasts of the United States of America signed today (hereinafter referred to as the "Agreement"):

1. It is understood that the Government of the United States and the Government of Japan will cooperate in the exchange of scientific and technical information relating to species of tuna and other highly migratory species of mutual interest with a view to the establishment of regional arrangements, including appropriate international organizations, to ensure conservation of the species. Such exchanges shall include the reporting of tuna and associated catches.

It is further understood that at the outset of the Agreement and until such time as appropriate, the two Governments will, in order to establish a base of scientific information to further such arrangements, provide each other statistics on tuna and associated catches off the coasts of the United States.

2. The representative of the Government of the United States stated that it was the intention of the Government of the United States that any enforcement action taken with respect to anadromous species beyond the fishery conservation zone by United States authorities would only be taken after consultation with the Government of Japan.

3. It is understood that with regard to Article XII of the

Agreement, the appropriate representatives of the Government of the United States will recommend to the court in any case arising out of fishing activities under the Agreement that the penalty for violation of fishery regulations not include imprisonment or any other form of corporal punishment.

4. It is understood that with respect to any matter dealt with in the Agreement which falls within its competence, the Government of Japan is prepared to accord to nationals and vessels of the United States wishing to engage in fishing for living resources off the coasts of Japan treatment no less favorable than that accorded to nationals and vessels of Japan under the Agreement in like situation, on the basis of reciprocity.

5. The Government of the United States undertakes to authorize fishing vessels of Japan engaging in fishing pursuant to the Agreement to enter United States ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or for such other purposes as may be authorized.

6. With respect to the conduct of loading operations by fishing vessels of Japan, the representative of the Government of the United States stated that loading areas would be provided, taking into account past practices, and would be set forth in permits or other applicable instruments.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF  
JAPAN:

*MR*

*S. A.*

EMBASSY OF JAPAN  
WASHINGTON

February 10, 1977

Excellency,

I have the honor to refer to the recent discussions held between the representatives of the Government of Japan and the Government of the United States of America concerning fisheries matters between the two countries and to confirm, on behalf of the Government of Japan, the following understanding reached between the two Governments, taking into account the Agreement initialled this day, the constitutional processes of both countries and the spirit of mutual cooperation and understanding between the two Governments:

1. Until the Agreement enters into force and in no case after December 31, 1977, Japanese fisheries off the coast of the United States will be conducted in accordance with international law and in accordance with the laws and regulations of both countries, taking into account the conditions of the resources and past fishing practices.
2. (1) The Japanese authorities will provide the authorities of the United States with the names, the registration numbers, the names of the managers and the numbers of the fishing crews and any other pertinent information concerning any Japanese vessels that propose to engage in fishing off the coast of the United States.

His Excellency  
Cyrus Vance  
Secretary of State of the  
United States of America

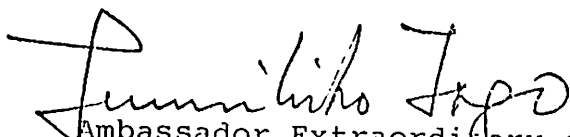
(2) On receipt of the information referred to in subparagraph (1) of this paragraph, the Government of the United States will, as appropriate, make necessary administrative arrangements to facilitate the operation of those vessels in accordance with the provisions of this arrangement.

3. Upon the request of either Government, the two Governments will hold consultations in respect of any matter concerning the implementation of this arrangement including the determination of catch amounts for Japanese vessels.

4. Nothing in this arrangement shall be deemed to prejudice the position of either Government in regard to any question under negotiation at the Law of the Sea Conference.

I have further the honor to propose that this Note and Your Excellency's Note in 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 which shall enter into effect upon notification by the Government of the United States that the internal procedures of the United States have been completed.

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

  
Ambassador Extraordinary and  
Plenipotentiary of Japan