FISHERIES

King and Tanner Crab

Agreement Between the
United States of America
and Japan

Effectuated by Exchange of Notes
Signed at Tokyo December 11, 1970

with

Agreed Minutes
NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

"... the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence ... of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."
Fisheries: King and Tanner Crab

Agreement effected by exchange of notes
Signed at Tokyo December 11, 1970;
Entered into force December 11, 1970.

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千九七十年十二月十一日に東京で

日本国外務大臣

愛

米国合衆国特命全権大使

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56-035 O-71 (1) TIAS 7019
及び2並びに3の柱書の規定並びに長期間にわたつて確立
された日本のたらばがに漁業に対して十分な考慮を払うと
がみ、将来の取極について決定する。
本大臣は、さらに、この書簡及び前記の了解を貴国政府に代
おつて確認される閣下の返簡が向政府間の合意を構成するもの
とみなすことを提案いたします。
本大臣は、以上を申し進めるに際し、ここに重ねて閣下に向
かつて敬意を表します。
北太平洋漁業条約に基づく国際委員会は、東部ベーリング海の資源に関して同資源の最大の持続的漁獲量の価値をも含めて、毎年十月三十日までに両政府に提出することを要請される。両政府は、(1)のただし書(2)の規定に基づく措置を誠実に実施するため、それぞれ適切かつ有効な措置をとるよう、(5)のときは、取締りの実施を視察する機会を与える。東部ベーリング海のさらばかに漁業及びびずわいかに漁業の状況について検討するため、千九百七十二年十二月三十日までに会合し、
水域で引き続き行なわれる。ただし、日本国政府は、東部ベーリング海におけるのに資源が過度に漁獲されるごとを防止するため、日本国の国民及び船舶が千九百七十二年及び千九百七十三年及び千九百七十四年及び千九百七十五年及び千九百七十六年及び千九百七十七年及び千九百七十八年及び千九百七十九年及び千九百八十年及び千九百八十一年及び千九百八十二年及び千九百八十三年及び千九百八十四年及び千九百八十五年及び千九百八十六年及び千九百八十七年及び千九百八十八年及び千九百八十九年及び千九百九十年及び千九百九十一年及び千九百九十二年及び千九百九十三年及び千九百九十四年及び千九百九十五年及び千九百九十六年及び千九百九十七年及び千九百九十八年及び千九百九十九年及び二千零年及び二千零一年及び二千零二年及び二千零三年及び二千零四年及び二千零五年及び二千零六年及び二千零七年及び二千零八年及び二千零九年及び二千零十年及び二千零十一}{

本日の国民及び船が千九百七十年及び千九百七十一年及び千九百七十二年及び千九百七十三年及び千九百七十四年及び千九百七十五年及び千九百七十六年及び千九百七十七年及び千九百七十八年及び千九百七十九年及び千九百八十年及び千九百八十一年及び千九百八十二年及び千九百八十三年及び千九百八十四年及び千九百八十五年及び千九百八十六年及び千九百八十七年及び千九百八十八年及び千九百八十九年及び千九百九十年及び千九百九十一年及び千九百九十二年及び千九百九十三年及び千九百九十四年及び千九百九十五年及び千九百九十六年及び千九百九十七年及び千九百九十八年及び千九百九十九年及び二千零年及び二千零一年及び二千零二年及び二千零三年及び二千零四年及び二千零五年及び二千零六年及び二千零七年及び二千零八年及び二千零九年及び二千零十年及び二千零十一}{

書簡の附属書に掲げる暫定措置を適用する。
行なう権利を有するとの見解を有している。

2. アメリカ合衆国政府は、たばかに及びはずわないがに沿岸国（この場合においては、アメリカ合衆国を意味する。）に排他的な管轄権並びに管理及び開発の権利がある大陸棚の天然資源であるとの見解を有している。

3. しかしながら、両政府は、東部ベーリング海のかな資源について、日本国の国民及び船舶が相当の期間にわたりその開発に従事してきた事実にかんがみ、前記の両政府のそれぞれの立場を害することなく、次のとおり合意した。

(1) 東部ベーリング海における日本の国民及び船舶による開発してきた水域及びその付近で、すなわち、日本国が歴史的に去において開発したかなのストック（系統群）の回るす
The Minister of Foreign Affairs of Japan to the American Ambassador [1]

For the English language text, see p. 9.

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1 For the English language text, see p. 9.
中国科学技术大学

美国威斯康星大学麦迪逊分校

高能所

2019年10月
附属書

雌のたらばがに及びずわいがに、脱皮したたらばがに及び
ずわいがに並びに胸甲の幅が十五・ハセンチメートル未満の
たらばがにの子がにを保持し及び使用してはならない。混獲
されたこれらのかに、三万七千五百箱の枠を満たすために必
要な数をこえて捕獲されるたらばがに及び合意された枠をこ
えて捕獲されるずわいがには、できる限り損傷しないように
すみやかに海中にとどさなければならない。

千九百七十一年及び千九百七十二年において、かご及び刺
網以外の漁具を使用してたらばがに及びずわいがにを採捕し
てはならない。刺網の網目の長さは、五十センチメートル未
満であつてはならない。
EXCELLENCY:

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

"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 and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from November 10 to November 24, 1970, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king crab fishery in the eastern Bering Sea contained in the exchange of notes on November 25, 1964, as extended and modified by the exchange of notes on November 29, 1966, and December 23, 1968, [1] respectively:

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

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

1) The fisheries for king and tanner crab 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 crab stocks exploited in the past by Japan; provided that in order to avoid overfishing of the crab resources 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 1971 and 1972 shall be equivalent to 37,500 cases respectively (one case being equivalent to 48 half-pound cans) and that the an-

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1 TIAS 5688, 6155, 6601; 15 UST 2076; 17 UST 2191; 19 UST 7650.
nual commercial catch of tanner crabs by nationals and vessels of Japan for the years 1971 and 1972 respectively shall not exceed 14,600,000 crabs with an allowance of 10 percent.

2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention [1] will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resources.

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, 1972, to review the operation of these arrangements and the condition of the king and tanner crab fisheries of the eastern Bering Sea, and decide on future arrangements, bearing in mind 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 for king crab.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

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

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

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

ARMIN H. MEYER

His Excellency
KICHI AICHI

Minister of Foreign Affairs
Tokyo

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APPENDIX

A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of that number required to attain the 37,500 case quota, and any tanner crabs taken in excess of the agreed quota shall be returned immediately to the sea with a minimum of injury.

B. King crabs and tanner crabs shall not be taken in 1971 or 1972 by means of fishing gear other than pots and tanglenets. The stretched diagonal measure of tanglenet mesh shall be no less than 50 cms.

C. Unless otherwise agreed by the two Governments, only pots may be used to capture king and tanner crabs for commercial purposes in the area lying seaward of the United States territorial sea and within the following described boundaries: a line running from a point on the Bering Sea coast of the Alaska Peninsula due west along 55°54' North Latitude to its intersection with a line passing between 56°20' North Latitude, 163°00' West Longitude and 55°16' North Latitude, 166°10' West Longitude, thence southwesterly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55°16' North latitude and 166°10' West Longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.
AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connection with the notes exchanged today between Ambassador Meyer and Foreign Minister Aichi concerning the king and tanner crab fisheries in the eastern Bering Sea:

1. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

2. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

FOR THE UNITED STATES DELEGATION:
Lester E. Edmond

FOR THE JAPANESE DELEGATION:
Yoshio Okawara