

No. 2313

FISHERY CONVENTION BETWEEN JAPAN AND
THE UNION OF SOVIET SOCIALIST REPUBLICS.

Signed at Moscow, January 23, 1928.
Ratified May 22, 1928.
Ratifications exchanged at Tokyo, May 23, 1928.
Promulgated May 25, 1928.

His Majesty the Emperor of Japan and the Central Executive Committee of the Union of Soviet Socialist Republics, for the purpose of concluding a Fishery Convention in conformity with the provisions of Article 3 of the Convention embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics concluded at Peking on January 20th, 1925, have named their respective Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan:

TOKICHI TANAKA, Ambassador Extraordinary and Plenipotentiary to the Union of Soviet Socialist Republics, Shōshii, a member of the First Class of the Imperial Order of the Sacred Treasure;

The Central Executive Committee of the Union of Soviet Socialist Republics:

LEV MIKHAILOVITCH KARAKHAN, People's Deputy Commissary for Foreign Affairs of the Union of Soviet Socialist Republics, and

MARTIN IVANOVITCH LACIS, a member of the Collegium of the People's Commissariat for Agriculture of the Russian Socialist Federative Soviet Republic;

Who, after having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:

ARTICLE 1.

The Union of Soviet Socialist Republics grants to Japanese subjects, in conformity with the stipulations of the present Convention, the right to catch, to take and to prepare all kinds of fish and aquatic products, except fur-seals and sea-otters, along the coasts of the possessions of the Union of Soviet Socialist Republics in the Japan, Okhotsk and Bering Seas, with the exception of rivers and inlets. The inlets comprised in this exception are enumerated in Article 1 of the Protocol (A) attached to the present Convention.

ARTICLE 2.

Japanese subjects are at liberty to engage in catching, taking and preparing fish and aquatic products in the fishery lots, lying both in the sea and on shore, which are specifically designated for that purpose. The lease of the said fishery lots shall be granted by public auction, without any discrimination being made between Japanese subjects and citizens of the Union of Soviet Socialist Republics.

It is understood, however, that, as an exception to the foregoing, those fishery lots for which the Governments of the two High Contracting Parties have so agreed may be leased without auction.

The auction of fishery lots shall take place at Vladivostok in February every year, and the date and locality designated for this purpose, as well as the necessary details relating to the lease of various fishery lots to be sold, shall be officially notified to the Japanese Consular officer at Vladivostok at least two months before the auction.

With regard to fishery lots for which there shall have been no successful bidder, they shall again be put up to auction within fifteen days, but not earlier than five days, after the preceding auction.

The catching of whales and codfish, as well as of all the fish and aquatic products which can not be caught or taken in specific lots is permitted to Japanese subjects on board sea-going vessels furnished with a special licence.

ARTICLE 3.

The Japanese subjects who have obtained the lease of fishery lots in conformity with the provisions of Article 2 of the present Convention shall have, within the limits of those fishery lots, the right to make free use of the littoral.

They may there carry out necessary repairs to their boats and nets, haul them ashore, and land, prepare and preserve their catches and collections. For these purposes they shall be at liberty to erect there buildings, warehouses, huts and drying-sheds or to remove the same.

ARTICLE 4.

With regard to taxes, imposts and fees to be levied in connection with the fishing industry, Japanese subjects shall be subject to the following conditions and shall under no circumstances be subject to any treatment less favourable than that accorded to citizens of the Union of Soviet Socialist Republics.

- (1) The amount of the business tax chargeable to Japanese subjects having fishery rights shall not exceed three per cent of the price on the fishery grounds of fish and aquatic products caught, taken or prepared by them.
- (2) The said Japanese subjects shall be exempted from all kinds of taxes, imposts and fees, except the business tax and the taxes, imposts and fees mentioned in Article 9 of the Protocol (A) attached to the present Convention.
- (3) The payment of the business tax and other taxes, imposts and fees may be arranged by a special agreement between the two Governments.
- (4) No taxes or imposts shall be levied on the income

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of Japanese employees having their domicile in Japan and engaged in seasonal labour on fishery grounds leased to Japanese subjects.

ARTICLE 5.

The Union of Soviet Socialist Republics shall levy no duties on fish and aquatic products caught or taken in the Far Eastern waters of the Union of Soviet Socialist Republics, whether such fish and aquatic products have or have not undergone a process of manufacture, when they are destined for export from the Union of Soviet Socialist Republics to Japan.

ARTICLE 6.

No restriction shall be established with regard to the nationality of the employees of Japanese subjects engaged in catching, taking and preparing fish and aquatic products in the districts specified in Article 1 of the present Convention.

ARTICLE 7.

So far as concerns methods of preparation of fish and aquatic products, the Union of Soviet Socialist Republics engages not to impose upon the Japanese subjects who have obtained fishery rights in the districts specified in Article 1 of the present Convention any restriction from which the citizens of the Union of Soviet Socialist Republics who have obtained fishery rights in the said districts are exempt.

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So far as concerns methods of preparation of fish and aquatic products, the Union of Soviet Socialist Republics engages not to impose upon the Japanese subjects who have obtained fishery rights in the districts specified in Article 1 of the present Convention any restriction from which the citizens of the Union of Soviet Socialist Republics who have obtained fishery rights in the said districts are exempt.

ARTICLE 8.

The Japanese subjects who have obtained fishery rights may make use of sea-going vessels furnished with a navigation certificate issued in Japan by the competent Consular officer of the Union of Soviet Socialist Republics, as also with a health certificate issued by the Japanese authorities, for the direct navigation from Japan to their fishery grounds, from one of their fishery grounds to another, as well as from their fishery grounds to Japan; the said vessels may also proceed from the fishery grounds direct to a third state, provided they conform to the formalities required for the exportation to the said state of the fish and aquatic products on board, caught or taken in the Far Eastern waters of the Union of Soviet Socialist Republics.

The above-mentioned vessels shall be at liberty to transport, free of imposts and taxation, the persons and things necessary for the fishing industry, as also catches and collections.

The Japanese subjects who have obtained fishery rights may, free of imposts and taxation, transport by land, along shore or by sea, on board fishing boats the above-mentioned persons, things, catches and collections between their own fishery lots or vessels furnished with the licence mentioned in the last paragraph of Article 2 of the present Convention.

The provisions of the present Article shall equally apply to the case when the respective holders of separate fishery lots

or licences make use of a vessel or a fishing boat jointly.

The provisions of the present Article shall apply to the removal of remaining properties in the fishery lots, the lease term of which has expired, to other fishery lots or to Japan.

The above-mentioned vessels and boats must in all other respects comply with the laws of the Union of Soviet Socialist Republics which are or may be enacted respecting the coasting trade.

ARTICLE 9.

The Japanese subjects who have obtained fishery rights may freely export to Japan fish and aquatic products caught or taken by Japanese subjects, without any export-licence; they may also export such fish and aquatic products to a third state, conforming to the formalities required for the exportation thereof.

For the exportation of fish and aquatic products bought from the state or other enterprises or citizens of the Union of Soviet Socialist Republics, the said Japanese subjects shall conform to the formalities required for the exportation thereof.

The said Japanese subjects are at liberty to import the necessaries solely intended for use for their fishing industry, as well as for themselves or their employees, without any import-licence.

No duties or imposts shall be levied on the importation of the goods above mentioned; the said goods as well as their quantity will be defined in the list, which shall be formulated every year in due time by the competent local authorities subject to

the approval of the central authorities of the Union of Soviet Socialist Republics.

ARTICLE 10.

With regard to the entry, stay, removal and departure of the Japanese subjects who have obtained fishery rights, as well as of their employees who are not citizens of the Union of Soviet Socialist Republics, the summary regulations which are or may be enacted by the authorities of the Union of Soviet Socialist Republics shall be applied in the districts specified in Article 1 of the present Convention; in all other cases, Japanese subjects shall conform to the laws and regulations which are or may be enacted concerning the entry and stay in, and departure from, the Union of Soviet Socialist Republics, the summary regulations which are or may be enacted by the authorities of the Union of Soviet Socialist Republics shall be applied in the districts specified in Article I of the present Convention; in all other cases, Japanese subjects shall conform to the laws and regulations which are or may be enacted concerning the entry and stay in, and departure from, the Union of Soviet Socialist Republics, of foreigners.

The Japanese subjects and the citizens of the Union of Soviet Socialist Republics who have obtained fishery rights in the districts above mentioned shall be placed on a footing of equality as regards the laws, regulations and ordinances which are or may be enacted concerning pisciculture and the

protection of fish and aquatic products, the control of industry germane thereto and all other matters, relating to fisheries.

Information of newly enacted laws and regulations, applicable to the fishing industry in the Far Eastern waters of the Union of Soviet Socialist Republics, shall be furnished to the Japanese Government at least three months before they are put in force; information of ordinances of the same nature newly issued by the local authorities of the Union of Soviet Socialist Republics shall be furnished to the Japanese Consular officer at Khabarovsk at least two months before they are put in force.

ARTICLE 11.

Japanese subjects are at liberty to engage in the preparation of fish and aquatic products in the landed lots leased to them outside the limits of the districts specified in Article 1 of the present Convention, always complying with the laws, regulations and ordinances which are or may be enacted and applicable to all foreigners in the Union of Soviet Socialist Republics.

ARTICLE 12.

The Japanese Government, in consideration of fishery rights accorded by the Union of Soviet Socialist Republics to Japanese subjects in virtue of the present Convention, engages not to impose any import duties on fish and aquatic products caught or taken in the Far Eastern waters of the Union of Soviet Socialist

republics, whether such fish and aquatic products have or have not undergone any process of manufacture.

ARTICLE 13.

Recognizing that Japanese employees, with their place of habitation in Japan, are engaged there and return thence to after carrying on labour in the seasonal industry of fishery; that their habits and customs are characteristic of Japanese nationality; that free passage between Japan and fishery grounds and free rations during the whole term of engagement are granted; that a share of catches and collections is given them in addition to regular wages, and that medical aid and other means of relief are provided for free of charge;

The Union of Soviet Socialist Republics agrees to conform to the above-mentioned facts in the application of its laws and regulations regarding the protection and regulation of labour, which are or may be enacted, to the labour of Japanese employees in the fishery grounds leased to Japanese subjects in accordance with the provisions of the present Convention.

ARTICLE 14.

So far as concerns matters not specially dealt with in the present Convention, but yet relating to the fishing industry in the districts specified in Article I of the present Convention, Japanese subjects shall be entitled to the same treatment as accorded to the citizens of the Union of Soviet Socialist Re-

, publics who have obtained fishery rights in the said districts.

ARTICLE 15.

The present Convention shall remain in force for eight years and shall be revised or renewed at the end of the said period; thenceforth the Convention shall be revised or renewed at the end of every twelve years.

Either of the High Contracting Parties may give notice to the other of its desire to revise the present Convention, twelve months before the termination of the Convention. Negotiations for the revision shall be concluded within the said twelve months.

Should neither of the High Contracting Parties give notice for such revision, the present Convention shall remain in force for a further period of twelve years.

ARTICLE 16.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokyo at as early a date as possible and in any case not later than four months after its signature.

The Convention shall come into force on the fifth day following the date of the exchange of its ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate in the English language and have affixed thereto their seals.

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Done in the City of Moscow, this 23rd day of January, 1928.

L. KARAWAN (L. S.)

T. TANAKA (L. S.)

M. LACIS (L. S.)

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document in English entitled "FISHERY CONVENTION BETWEEN JAPAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo 13 November 1946.

K. Hayashi
Signature of Official

Witness : T. Sato