

**INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES  
OF THE NORTH PACIFIC OCEAN**

*Signed at Tokyo, May 9, 1952*  
*Ratified by the United States, July 30, 1952*  
*Ratified by Canada, May 15, 1953*  
*Ratified by Japan, June 9, 1953*  
*Ratifications exchanged at Tokyo, June 12, 1953*  
*Entered into force, June 12, 1953*  
*Amended by Protocol signed at Tokyo, April 25, 1978*  
*Ratified by Canada, June 8, 1978*  
*Ratified by the United States, November 2, 1978*  
*Ratified by Japan, February 13, 1979*  
*Ratifications exchanged at Tokyo, February 15, 1979*  
*Entered into force, February 15, 1979*

**PROTOCOL AMENDING THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS  
FISHERIES OF THE NORTH PACIFIC OCEAN**

The Governments of Japan, Canada and the United States of America,

Having regard to the International Convention for the High Seas Fisheries of the North Pacific

Ocean, signed at Tokyo on the ninth day of May, nineteen hundred and fifty-two, its Annex and the Protocol thereto (hereinafter referred to as "the Convention"),

Sharing the view that the Convention has served to promote and coordinate scientific studies relating to the fishery resources of the North Pacific Ocean and its adjacent seas, and has aided in the conservation of these fishery resources,

Taking into account that each of the Contracting Parties has established new fishery jurisdiction in the Convention area,

Acknowledging that certain provisions of the Convention are not compatible with such jurisdiction, and

Desirous of amending the Convention,  
Have agreed as follows:

**Article I**

The Convention shall be amended to read as follows:

"The Governments of Japan, Canada and the United States of America have agreed as follows:

**Article I**

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims or position of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded in the Convention area, or any vessel outfitted for such activities, or any vessel in normal support of another vessel as described above.

## Article II

1. The Contracting Parties shall maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the Governments of the respective Contracting Parties.

3. Each national section shall have one vote. All proposals, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections.

4. The Commission may decide upon and amend, as occasion may require, bylaws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections.

6. The Commission shall select a Chairman, Vice-Chairman, and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The location of the Commission's headquarters shall be determined by the Commission.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

## Article III

1. The Commission shall perform the following functions:

- (a) provide for scientific studies and for coordinating the collection, exchange and analysis of scientific data regarding anadromous species, including data regarding the continent of origin of these species, and provide a forum for cooperation among the Contracting Parties with respect to these species;
- (b) pending the establishment of an international organization as referred to in Article IV, provide a forum for cooperation among the Contracting Parties with respect to the study, analysis and exchange of scientific information and views relating to the stocks of non-anadromous species of the Convention area, including information and views relating to all relevant factors affecting these stocks, the promotion of scientific research designed to fill gaps in knowledge and the compilation and dissemination of statistics and records;
- (c) recommend, when necessary, amendment of the Annex to this Convention;
- (d) coordinate scientific studies to determine the continent of origin of anadromous species migrating in the waters south of 46° North Latitude, and following three years of such studies make recommendations if appropriate in accordance with sub-paragraph (c) above relating to the conservation of salmon of North American origin;

- (e) consider and make proposals to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention which occur outside the 200 nautical mile fishery zone of any Contracting Party;
  - (f) compile and study the records provided by the Contracting Parties pursuant to Article VIII;
  - (g) submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate proposals, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the implementation of this Convention;
  - (h) consider the results of reviews undertaken by the Contracting Parties pursuant to Article XI and make proposals as appropriate.
2. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

#### **Article IV**

The Contracting Parties shall work towards the establishment of an international organization with broader membership dealing with species of the Convention area other than anadromous species. Progress towards this end shall be reviewed during the consultations provided for in Article XI. When such an international organization becomes functional, the functions of the Commission under the provisions of Article III, paragraph 1, sub-paragraph (b) shall be terminated and transferred to the new organization

#### **Article V**

1. The Annex attached hereto forms an integral part of this Convention. All references to the Convention shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.
2. The Contracting Parties agree that in fishing for anadromous species in the Convention area, they shall respect the conservation measures specified in the Annex to this Convention and that any infringement of these measures shall be deemed to be in violation of the terms of this Convention.
3. The nationals and fishing vessels of the Contracting Parties shall abide by the conservation measures specified in the Annex to this Convention.

#### **Article VI**

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the implementation of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

#### **Article VII**

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, paragraph 1., sub-paragraph (c).
2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

#### **Article VIII**

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

## Article IX

1. The Contracting Parties agree that within the Convention area:
  - (a) each Contracting Party shall enforce the provisions of this Convention within its 200 nautical mile fishery zone in accordance with its domestic law;
  - (b) outside the 200 nautical mile fishery zone of any Contracting Party, any Contracting Party may enforce the provisions of this Convention in accordance with the following:
    - (i) The duly authorized officials of any Contracting Party may board vessels fishing for anadromous species of the other Contracting Parties to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention. Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.
    - (ii) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Contracting Party to which the official belongs shall notify promptly the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Contracting Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery, the Contracting Party which gives such notification may keep such person or vessel under surveillance within the waters of the Convention area or within its own territory under the conditions agreed upon by both the Contracting Parties.
    - (iii) Only the authorities of the Contracting Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Contracting Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense and shall be taken into account, and utilized as appropriate, by the executive authority of that Contracting Party having jurisdiction to try the offense.
  - (c) the Contracting Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections carried out in accordance with this Convention of such vessels by the duly authorized officials of any Contracting Party, and cooperate in such enforcement action as may be undertaken.
2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with appropriate penalties against violations thereof, and to transmit to the Commission a report on any action taken by it in regard thereto.

## Article X

The Contracting Parties agree that a scientific program is necessary to carry out the provisions of this Convention. To this end the Contracting Parties agree to establish such a program to coordinate their scientific research activities with respect to anadromous species in the Convention area as well as species of marine mammals incidentally caught in fishing for anadromous species. In this regard, the Contracting Parties agree to exchange scientists in order to carry out scientific observations with respect to the catches and methods of operation. The Contracting Parties shall establish procedures to facilitate such observations.

## **Article XI**

1. The Contracting Parties agree to hold consultations whenever necessary, or not later than sixty days following the request of any of them, in order to review the implementation of this Convention.
2. The Contracting Parties agree to hold consultations, at a time and place to be mutually agreed upon, not later than ninety days following notice by any Contracting Party of its intention to terminate the Convention in accordance with the provisions of Article XII, paragraph 1, of this Convention.

## **Article XII**

1. This Convention shall continue in force until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention whereupon it shall terminate as to all Contracting Parties.
2. This Convention shall be subject to review by the Contracting Parties upon the conclusion of multilateral treaty resulting from Third United Nations Conference on the Law of the Sea.

## AMENDED ANNEX

- *Amendment accepted by Japan, April 25, 1986*
- *Amendment accepted by the United States, April 28, 1986*
- *Amendment accepted by Canada, May 23, 1986*
- *Effective date, May 23, 1986*

1. The following measures shall apply to salmon fishery operations conducted by Japanese nationals and fishing vessels in the waters of the Convention area:
  - (a) North of 56° North Latitude, between 180° Longitude and 175° West Longitude, and outside the areas designated as the United States exclusive economic zone by the Presidential Proclamation of March 10, 1983 (hereinafter referred to as "the United States exclusive economic zone"), beginning on June 26 (Japan Standard Time) (1500 June 25 GMT) of each year, the Japanese mothership fishery shall conduct salmon fishery operations according to the following schedule:
    - (1) For 1986, no more than 12 mothership fleet days in the area between 175° West Longitude and 180° Longitude;
    - (2) For 1987, no more than 8 mothership fleet days in the area between 178° West Longitude and 180° Longitude, with no salmon fishery operations to be conducted in the area east of 178° West Longitude; and
    - (3) For 1988 and thereafter, no salmon fishery operations are to be conducted in the area east of 180° Longitude.
  - (b) North of 56° North Latitude, west of 180° Longitude, and outside the United States exclusive economic zone, beginning on June 26 (Japan Standard Time) (1500 June 25 GMT) of each year, the Japanese mothership fishery shall conduct salmon fishery operations according to the following schedule:
    - (1) For 1986 through 1988, no more than 18 mothership fleet days each year;
    - (2) For 1989 through 1991, no more than 12 mothership fleet days each year;
    - (3) For 1992 and 1993, no more than 8 mothership fleet days each year; and
    - (4) For 1994 and thereafter, no salmon fishery operations are to be conducted.
  - (c) North of 46° North Latitude, between 175° East Longitude and 170° East Longitude, and outside and south of the United States exclusive economic zone, salmon fishery operations shall not begin before June 1 (Japan Standard Time) (1500 May 31 GMT) of each year.
  - (d) West of 175° East Longitude, and within the United States exclusive economic zone:
    - (1) For 1986 through 1993, salmon fishery operations shall not begin before June 10 (Japan Standard Time) (1500 June 9 GMT) of each year and shall end on July 31 (Japan Standard Time) (1500 July 31 GMT) of each year. Between these dates the Japanese mothership fishery shall conduct salmon fishery operations of no more than 140 mothership fleet days each year.
    - (2) For 1994 and thereafter, salmon fishery operations shall not begin before June 10 (Japan Standard Time) (1500 June 9 GMT) and shall end on July 26 (Japan Standard Time) (1500 July 26 GMT) of each year. Between these dates the Japanese mothership fishery shall conduct salmon fishery operations of no more than 144 mothership fleet days each year.
    - (3) Fishing vessels engaged in this fishery shall be required to have on board a registration permit which shall be issued by the Government of the United States. Such vessels may be required by the Government of the United States to accept on board scientific observers and to bear the expenses incurred in such boarding. Such vessels shall also be required to have on board a Certificate of Inclusion relating to the incidental taking of marine mammals which is a requirement of the Government of the United States.
  - (e) Except for the areas specified in sub-paragraphs (a) and (b) above, in the area north of 46° North Latitude there shall be no salmon fishery operations east of 175° East Longitude, unless such fishery operations are agreed to for a temporary period among the three Contracting Parties.
  - (f) In 1986 and thereafter, the Japanese landbased fishery shall not conduct salmon fishery operations east of 174° East Longitude. The eastern limit of this fishery may be modified in accordance with the results of the coordinated scientific studies to be initiated with the beginning of the 1986 season in the landbased fishery area south of 46° North Latitude to determine accurately continent of origin of salmonids migrating in this area, including biological sampling and studies and verification of fishing effort and catch by species, date,

and location. The modification shall be negotiated no later than the beginning of the 1991 season.

2. For the purposes of this Annex, a mothership fleet day is defined as one mothership with forty-three catcher/scout boats using 14,190 tans (330 tans/15km) of fishing nets during a portion of any one calendar day. Any increase in the number of catcher/scout boats assigned to the mothership fishery will be reflected in a proportional reduction in the number of authorized fleet days. Modifications to gear or fishing procedures which might affect current fishing efficiency, or modifications to areas which are different from those used in 1985, shall be undertaken only after consultations among the three Contracting Parties. In such consultations the Contracting Parties shall examine the necessity of change in the number of authorized fleet days to take account of any increase in fishing efficiency.

3. East of 170° East Longitude the southern limit of the Japanese mothership fishery and the northern limit of the Japanese landbased fishery shall remain at 46° North Latitude. West of 170° East Longitude the southern limit of the Japanese mothership fishery shall not extend south of 46° North Latitude, and the northern limit of the Japanese landbased fishery shall not extend north of 48° North Latitude.

## **Article II**

This Protocol shall be ratified or approved by the Contracting Parties to the Convention in accordance with their respective constitutional processes, and the instruments of ratification or approval shall be exchanged as soon as possible at Tokyo. This Protocol shall come into force on the date of the exchange by all the Contracting Parties of instruments of ratification or approval.

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

DONE, in triplicate, in the Japanese, English and French languages, all texts being equally authentic, at Tokyo this twenty-fifth day of April, nineteen hundred and seventy-eight.

FOR THE GOVERNMENT OF JAPAN:

Sunao Sonoda

FOR THE GOVERNMENT OF CANADA:

Bruce Rankin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Michael J. Mansfield

## **AGREED MINUTES**

The representatives of the Government of Japan, the Government of Canada and the Government of the United States of America have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed this day:

1. It is understood that the Government of Japan intends to send throughout the period of the commercial salmon fishery in the Northern Bering Sea a scientific research vessel of the Government of Japan to conduct research with respect to the continent of origin of anadromous species migrating in the waters of the Northern Bering Sea.

2. It is understood that the Government of Japan is prepared to allow, upon the request of the Government of Canada and/or the Government of the United States of America, no more than three scientists of the Government of Canada and/or the Government of the United States of America to board the above-mentioned scientific research vessel.

3. It is understood that the Government of Canada and the Government of the United States of America undertake to bear expenses incurred in such boarding of their respective scientists.

4. It is understood that the Government of Japan is prepared to facilitate temporary visits by the above-mentioned scientists to Japanese motherships and/or catcher-boats engaged in salmon fishery operations for collecting scientific information with respect to the catches of anadromous species. It is also understood that for the above-mentioned scientists visiting motherships and/or catcher-boats from the above-mentioned scientific research vessel the following restrictions will apply:

- (a) The total number of visits made by these scientists shall not exceed eight days for the waters north of 56° North Latitude, between 175° East Longitude and 180° Longitude, and ten days for the waters north of 56° North Latitude, between 180° Longitude and 175° West Longitude.
- (b) Such visits shall be timed in such a manner as to minimize adverse effects on the research activities of the above-mentioned scientific research vessel.

Tokyo, April 25, 1978

FOR THE GOVERNMENT OF JAPAN:

Sunao Sonoda

FOR THE GOVERNMENT OF CANADA:

Bruce Rankin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Michael J. Mansfield

## MEMORANDUM OF UNDERSTANDING

### SALMON RESEARCH

(Signed in 1978)

The Delegations of the Governments of Japan, Canada and the United States of America have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed this day, in order to further research studies on anadromous *Salmonidae* in the Convention area:

1. The Government of Japan will provide the following statistics to the International North Pacific Fisheries Commission:
  - A. For the landbased driftnet fishery, statistics by 2° x 5° INPFC statistical area and ten-day period by species in numbers and tonnage, with corresponding effort in tans fished, by mesh size, within six months of annual termination of the fishery.
  - B. For the mothership gillnet fishery, catch statistics on a ten-day basis by 1° x 1° statistical area by species in numbers and tonnage with corresponding effort in tans fished, and with summary information on mesh sizes used, within six months of annual termination of the fishery.
  - C. Age composition and maturity data on salmon sampled in the areas of the landbased driftnet and mothership fisheries in the detail determined necessary for scientific studies pertinent to continent of origin determinations.
2. The Governments of Japan, Canada and the United States of America intend to provide to the International North Pacific Fisheries Commission:
  - A. Scale and/or fish samples requested by the Commission for special scientific studies.



- B. Statistics on the all salmon fisheries of the North Pacific Ocean and adjacent seas for continued publication in the annual Statistical Yearbook.
- C. Catch, tagging, oceanographic and associated biological data collected by research vessels of the three Contracting Parties in at least the same detail and timeliness as in recent years.

Tokyo, April 25, 1978

FOR THE GOVERNMENT OF JAPAN:

Sunao Sonoda

FOR THE GOVERNMENT OF CANADA:

Bruce Rankin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Michael J. Mansfield

## MEMORANDUM OF UNDERSTANDING

### SALMON RESEARCH

(Signed in 1986)

The Delegations of the Governments of Japan, Canada and the United States of America have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo on April 25, 1978 (hereinafter referred to as "the Convention"), in order to further research studies on anadromous *Salmonidae* in the Convention area:

1. The Governments of Japan, Canada and the United States of America will ensure that coordinated scientific studies will be conducted under the framework of the Convention to determine accurately the continent of origin of salmonids migrating in the Convention area of the landbased driftnet fishery south of 46° North Latitude so that the movement of the eastern limit of that fishery shall be negotiated no later than the beginning of the 1991 season. These studies are to be initiated with the beginning of the 1986 season and are to be completed within a period of three to five years. These studies should include at least the following methods and features:
  - (1) a. The Governments of Japan, Canada and the United States of America will increase efforts for tagging and biological sampling.
  - b. The Government of Japan will arrange five Japanese salmon research vessel cruises in the area 38° to 46° North latitude, between 160° East and 175° West Longitude during May, June, and July of each year assigned to conduct research with regard to increased tagging effort and biological sampling.
  - c. The Government of Japan will allow each year no more than two scientists of the Government of Canada and/or the Government of the United States of America, upon the request of the Government of Canada and/or the Government of the United States of America, to board one or two cruises of salmon research vessels arranged by the Government of Japan pursuant to paragraph 1(1)b.
  - d. The Government of Canada and the Government of the United States of America undertake to bear expenses incurred in such boardings of their respective scientists.
- (2) The Government of Japan will increase efforts through guidance and education of fishermen to recover tagged salmonids, to return recovered tags and to report associated data.

- (3) Other studies will be designed to determine the proportions and distributions of Asian and North American origin salmonids in the area south of 46° North Latitude and between 160° East and 175° West Longitude. These studies will be based as far as possible on methodologies jointly agreed upon *a priori*. These studies will include, but are not limited to:
    - a. Scale pattern analyses of sockeye, chum, coho, and chinook salmon and steelhead trout;
    - b. Improved collection of adequate (in number and quality) Asian and North American standard scale samples; and
    - c. Application of other methods and techniques (such as parasitological and genetic studies, etc.) as jointly deemed appropriate and useful in continent of origin studies.
  - (4) Annual evaluations and assessments will be conducted to ensure coordination of the studies and to ensure that they are proceeding in a manner which will meet the schedule of the three to five year studies on the continent of origin of salmonids mentioned in this paragraph. The three Governments will adjust their research programs as necessary to meet the schedule.
  - (5) Accurate catch and fishing effort statistics by species, time and area are essential to the evaluation of studies on continent of origin of salmonids. The Government of Japan will establish an appropriate method to validate the time and location of catch and fishing effort data including the use of location records from the Naval Navigation Satellite System onboard the landbased salmon driftnet fishing vessels and report it to the International North Pacific Fisheries Commission (hereinafter referred to as "the INPFC"). The content and success of this program will be reviewed and adjusted, if required, to support the three to five year studies on the continent of origin of salmonids mentioned in this paragraph.
  - (6) In lieu of paragraph 1(A) of the Memorandum of Understanding, signed at Tokyo on April 25, 1978, the Government of Japan will provide to the INPFC, catch statistics for the landbased driftnet fishery on a ten-day basis by 1° x 1° statistical area by species in numbers and tonnage, with corresponding effort in effective standardized tans fished (330 tans/15km), with summary information on mesh sizes used, within six months of annual termination of the fishery in 1987 and thereafter (as for the catch statistics for 1986, as soon as possible during the three to five year studies on the continent of origin of salmonids mentioned in this paragraph).
2. The Governments of Japan, Canada and the United States of America will ensure that beginning with the 1986 season:
- (1) Research on continent of origin of salmonids in the operating area of the mothership fishery will be continued under the framework of the INPFC with emphasis on the identification of areas of abundance of North American chinook, coho, and chum salmon and steelhead trout; and
  - (2) Validation of catch and fishing effort data for the mothership fishery will be done under a joint research program of the INPFC utilizing methods mutually agreed upon each year.

Vancouver, April 9, 1986

FOR THE GOVERNMENT OF JAPAN:

Tatsuo Saito

FOR THE GOVERNMENT OF CANADA:

Aimée Lefebvre-Anglin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

George W. Ogg

**MEMORANDUM OF UNDERSTANDING**

## ENFORCEMENT

The Delegations of the Governments of Japan, Canada and the United States of America have agreed to record the following in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo, on April 25, 1978 (hereinafter referred to as "the Convention"), in order to further cooperation among the three Contracting Parties concerning the enforcement of the provisions of the Convention.

1. The Government of Japan will take the necessary measures to ensure the following:
  - (a) At least six Japanese patrol vessels will be assigned to enforce the provisions of the Convention in the Japanese land-based fishery area of which no fewer than three such vessels will be assigned to enforce the eastern limit of that area.
  - (b) In the area south of 46° North Latitude and between 173° East Longitude and 174° East Longitude any Japanese landbased fishing vessel will report its location to one of the Japanese patrol vessels mentioned in subparagraph 1(a) above when the fishing vessel enters into and departs from the area, as well as at a fixed time every day as long as the vessel stays in the area.
2. The Government of Japan and the Government of the United States of America will take the necessary measures to ensure that enforcement activities of each Government will be conducted on a cooperative basis in the following aspects:
  - (a) Each Government will notify the other Government of the patrol schedules of its patrol vessels in the Japanese landbased fishery area;
  - (b) Patrol vessels of either Government in the said area will investigate to the extent possible reports from the other Government of fishery operations conducted in apparent violation of the provisions of the Convention by nationals and fishing vessels of Japan; and
  - (c) Each Government will report to the other Government any action taken as a result of subparagraph 2(b) above as soon as and to the extent possible without detracting from enforcement activities.
3. The Government of Japan and the Government of the United States of America will each accommodate an observer of the other Government aboard its patrol vessel assigned to enforce the provisions of the Convention along the eastern limit of the Japanese landbased fishery area for a reciprocal period of up to 4 weeks under the following conditions:
  - (a) Such observer will not exercise any enforcement authority but only observe the enforcement activities of the enforcement officials of the patrol vessel, including accompanying such officials at the time of boarding of salmon vessels of Japan which might occur;
  - (b) Such observer will be permitted to communicate with his/her parent agency with the consent of the captain of the patrol vessel;
  - (c) Such observer will comply with instructions of the host enforcement officials under all circumstances; and
  - (d) Each Government will pay for the costs of its own observer.

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

4. The Government of Japan and the Government of the United States of America will exchange information that will facilitate enforcement activities. Specific communications arrangements such as radio frequencies and signals will be agreed to between designated enforcement officials of the two Governments prior to the beginning of the 1986 landbased salmon fishery season.
5. Should the Government of Canada decide to participate on a reciprocal basis in the cooperative enforcement measures mentioned in paragraph 2, 3 and 4 above, the Governments of Japan, Canada and the United States of America will consult in order to develop arrangements for such participation.
6. The Government of Japan will report to the International North Pacific Fisheries Commission as soon as possible the results of penalty actions. These reports will identify the vessel (by name, domestic fisheries license number, and hull number), the location (by latitude and longitude), and details of the violation, the penalty imposed, and the fishery (mothership or landbased) in which the vessel was participating.

Vancouver, April 9, 1986

FOR THE GOVERNMENT OF JAPAN:

Tatsuo Saito

FOR THE GOVERNMENT OF CANADA:

Aimée Lefebvre-Anglin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

George W. Ogg

## MEMORANDUM OF UNDERSTANDING

### MARINE MAMMALS

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 Article X and Paragraph 1(d)(3) of the 1986 Amended Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended (hereinafter referred to as "the Convention") by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean signed on April 25, 1978. This memorandum of understanding is intended to cover the period until June 9, 1990, and as long as the Japanese gillnet salmon fishing vessels are permitted to fish in the areas designated as the United States Exclusive Economic Zone by the Presidential Proclamation of March 10, 1983 (hereinafter referred to as "the EEZ").

1. The Government of Japan will provide the following statistical data in computerized format to the Government of the United States within six months of annual termination of the fishery:
  - (a) For the mothership gillnet salmon fishery, number and species of all marine mammals, particularly Dall's porpoise (*Phocoenoides dalli*), taken by 1° x 1° INPFC statistical area and 10-day period.
  - (b) For the landbased gillnet salmon fishery, number and species of all marine mammals taken, particularly Dall's porpoise, by fishing effort, 2° x 5° INPFC statistical area and 10-day period for the 1987 fishing season and 1° x 1° INPFC statistical area and 10-day period for the 1988 and 1989 fishing seasons.
  - (c) For salmon research vessels, number and species of all marine mammals, particularly Dall's porpoise, taken by location (longitude and latitude) and date with corresponding effort in number of tows used, noting where possible, the size of mesh in which the animal became entangled.
  - (d) The numbers of marine mammals, particularly Dall's porpoise, taken, include those which:
    - (i) Become entangled in salmon gillnets but are lost (drop out) as the gillnets are hauled;
    - (ii) Become entangled but escape alive or are released alive during hauling;
    - (iii) Are captured and brought aboard during hauling.
2. Scientists of the United States and Japan will develop and conduct a three-year cooperative program commencing June 10, 1987, on the most effective research for determining the status and trends of populations of marine mammals concerned, particularly Dall's porpoise. They will consult annually on the results of previous research, review details of research plans for subsequent field season, make modifications to proposed research and on research leading to methods of reducing or eliminating the incidental take of Dall's porpoise in the Japanese mothership gillnet salmon fishery.
3. Scientists of the United States and Japan will exchange all data under the programs referred to in paragraph 2, and will independently or jointly analyze such data, including:
  - (a) Data on incidental take of Dall's porpoise and other marine mammals, as indicated in paragraph 1 above;
  - (b) Sighting data to determine Dall's porpoise abundance;
  - (c) Biological data taken from Dall's porpoise to study life history, to estimate biological and reproductive parameters, and to determine stock differentiation, if any;

- (d) Data on results of all experiments and field observations aimed at reducing or eliminating the incidental take of Dall's porpoise.
4. Progress reports on research will be submitted to annual meetings of the INPFC Biology and Research Marine Mammal Sub-Committee. Scientists of the United States and Japan will each prepare final research reports for the preceding three year research period to be made available to both governments no later than February 1, 1990.
5. To monitor incidental take of marine mammals and verify the data on incidental take of marine mammals in the Japanese mothership gillnet salmon fishery:
- (a) The Government of Japan will take necessary measures to ensure, for the period covered by this memorandum, that marine mammal scientific observers of the United States will be accepted on board catcherboats to make observations on incidental take of marine mammals, and to record data on environmental conditions and on gear characteristics throughout the duration of the operations within the U.S. EEZ.
  - (b) The Government of Japan will take necessary measures to place Japanese scientific observers on board catcherboats to make observations of incidental take of marine mammals and to record data on environmental conditions and on gear characteristics throughout the fishing season inside and outside the U.S. EEZ.
  - (c) The Government of Japan will take necessary measures to ensure that for each catcherboat and each set made within and outside the U.S. EEZ, accurate records in accordance with the categories defined in paragraph 1(d) will be kept of the number and location of Dall's porpoise taken and that these records will be provided on a daily basis to Japanese inspectors and the marine mammal scientists of the United States on board the motherships referred to in paragraph 7(b) while mothership fleets are operating within the U.S. EEZ and to the Japanese inspectors while mothership fleets are operating outside the U.S. EEZ.
  - (d) The Government of Japan will take necessary measures to ensure that the captains of motherships and catcherboats will assist the marine mammal scientific observers and the scientists of the United States to report information on a daily basis concerning the accumulated take of marine mammals and other observer data collected.
6. To obtain adequate sighting data for estimating abundance:
- (a) Scientists of the United States and Japan will conduct for the period covered by this memorandum annual sighting surveys for Dall's porpoise on Japanese salmon research vessels operating in the Convention area.
  - (b) Scientists of the United States and Japan will cooperate with a view to developing procedures for conducting Dall's porpoise sightings, a standardized data collection format, and training programs, so as to ensure that sighting data collected are compatible. The sighting data collected may include, *inter alia*, duration and time of observation, location, number sighted, distance and direction from vessel, sea condition, wind direction and strength, and visibility.
  - (c) The Government of Japan intends to allow, for the period covered by this memorandum, scientists of the United States on board Japanese salmon research vessels for studies of Dall's porpoise.
7. To obtain adequate specimen material for biological studies:
- (a) The Government of Japan will take necessary measures to ensure, for the period covered by this memorandum, that nationals and fishing vessels of Japan conducting salmon fishery operations within the U.S. EEZ return to the motherships, where feasible and consistent with the laws of both countries, all dead marine mammals incidentally entangled in the gillnets of the Japanese salmon fishery for collection of biological data and samples.
  - (b) The Government of Japan will take necessary measures to ensure for the above-mentioned period that scientists of the Government of the United States will be accepted on board motherships operating within the U.S. EEZ to collect appropriate marine mammal data and samples.
  - (c) Scientists of the United States on board Japanese salmon research vessels will be allowed to collect biological data and samples from all incidentally taken marine mammals, particularly Dall's porpoise.
  - (d) The Government of Japan will take necessary measures to ensure that Japanese crew members will work with scientists of the United States on board motherships and will be trained in methods of collection of biological data and samples. These trained crew members will collect needed biological data and samples as far as feasible under supervision of the Japanese inspectors when mothership fleets are operating outside the U.S. EEZ.
8. The Government of Japan intends to take appropriate measures, within its competence, to ensure that funds will be provided to cover the expenses incurred in the boarding of scientists and observers detailed in 5(a) and 7(b) of this memorandum.

9. The Government of Japan will develop a system for the period covered by this memorandum to collect adequate data and biological samples of Dall's porpoise taken in the land-based gillnet salmon fishery in order to estimate biological parameters and incidental take of Dall's porpoise by this fishery by area, sex, and color type. The biological samples may include teeth, reproductive tissues, skeletal materials, and tissues for electrophoretic analyses.

10. The Government of Japan intends to pursue a policy to reduce the incidental take of marine mammals to the greatest extent feasible, taking into account the results of research and technological capabilities. The Government of the United States and the Government of Japan will annually review progress made toward the reduction of incidental take of marine mammals.

11. With a view to reducing mortality and serious injury rate of marine mammals by the salmon gillnets to insignificant levels, scientists of Japan will conduct field experiments of gear modifications or of other methods of reducing or eliminating the incidental take of marine mammals in the Japanese mothership gillnet salmon fishery.

12. The Government of Japan intends to take appropriate measures, within its competence, to ensure that appropriate funding is provided each year to carry out fully the agreed joint research program on Dall's porpoise and other marine mammals incidentally taken in the fishery including the use of an appropriate Japanese vessel for cooperative research on Dall's porpoise.

13. The Government of the United States and the Government of Japan will consult with each other on the specifics of the programs to be carried out referred to in paragraph 2, prior to each fishing season. The specifics on numbers of Japanese scientific observers referred to in paragraph 5(b), and marine mammal scientists of the United States referred to in paragraph 6(c) will be confirmed in writing by both Governments.

DONE at Washington, this 8th day of June, 1987, in duplicate.

FOR THE GOVERNMENT OF JAPAN:

Yoshiyasu Sato

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Edward E. Wolfe