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LIMITS IN THE SEAS

No. 70

FISHERIES AGREEMENT:

CHINA - JAPAN

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No. 70

FISHERIES AGREEMENT: CHINA - JAPAN

April 6, 1976

Office of the Geographer
Bureau of Intelligence and Research

The Governments of China and Japan exchanged documents on August 15, 1975, and ratified an agreement on December 22, 1975, concerning their mutual fishing relations in the Yellow Sea and the East China Sea.

The Agreement on Fisheries Concluded Between the Government of Japan and the Government of the People's Republic of China, which is to remain in force for three years from the date of signing, states:

In accordance with the Japanese and Chinese Governments' Joint Communique, which was issued in Peking on September 29, 1972, the Government of Japan and the Government of the People's Republic of China concluded the following Agreement through friendly consultations in order to preserve fishery resources in the Yellow and East China Seas, utilize them effectively, and maintain order in conducting fishing operations on the sea under normal conditions.

Article 1

1. The waters to which this Agreement is applied (hereinafter referred to as "agreed-upon waters") shall be waters in the Yellow and East China Seas, which are stipulated hereunder (with the exception of some territorial waters).

(1) East of Straight Line Linking Various long Points Mentioned Hereunder

(i) The point at lat. 39° 45' N. and 124° 9' 12" E.

(ii) The point at 37° 20' N. and long 123° 3' E.

(2) East of Straight Line Linking in Regular Succession Various Points Mentioned Hereunder

(i) The point at lat. 37° 20' N. and long 123° 3' E.

(ii) The point at lat. 36° 48' 10" N. and long 122° 44' 30" E.

(iii) The point at lat. 35° 11' N. and long 120° 39' E.

(iv) The point at lat. 30° 44' N. and long 123° 25' E.

(v) The point at lat. 29° N. and long 122° 45' E.

(vi) The point at lat. 27° 30' N. and long 121° 30' E.

(vii) The point at lat. 27° N. and long 121° 10' E.

(3) North of the line at lat. 27° N.

2. Provisions of this Agreement shall not be regarded as provisions to injure the two signatory countries' respective positions as to jurisdiction over the sea.

Article 2

In order to preserve fishery resources and utilize them effectively, the two signatory countries shall take measures, which are stipulated in Attached Document I of this Agreement, in regard to conducting fishing operations by fishing vessels in the agreed-upon waters.

Article 3

1. Each of the signatory countries shall conduct proper guidance and surveillance over its own country's fishing vessels and dispose of breaches, in order to secure faithful observance of the provisions in Attached Document I of this Agreement by its own country's fishing vessels and prevent the occurrence of such breaches.

2. Each of the signatory countries is at liberty to notify the other signatory country of the facts and the situation where the said other signatory country's fishing vessels have violated the provisions of Attached Document I of this Agreement. The said other signatory country shall notify promptly the said signatory country of the results of disposition of these breaches.

3. The two signatory countries' fishing vessels, which will conduct fishing operations in the agreed-upon waters, shall cooperate with each other in order to ensure the implementation of this Agreement.

Article 4

The two signatory countries shall conduct guidance and take other necessary measures over their own respective countries' fishermen and fishing vessels in order to ensure the safety of navigation and fishing operations, maintain order in conducting fishing operations under normal conditions, and dispose of accidents on the sea smoothly and promptly.

Article 5

1. In case either one of the signatory countries' fishing vessels encounters a ship-wreck and other state of emergency on the coast of the other signatory country, the said other signatory shall give as much assistance and protection as possible to the said fishing vessels and their crewmen. At the same time, the said other signatory' country shall notify by the most prompt methods the said signatory country's Government officials in charge of the situation in regard to these matters.

2. In case there is need to take shelter due to stormy weather and other state of

emergency, either one of the signatory countries' fishing vessels may proceed to specified ports, etc., and take shelter after having reported it to the other signatory country's Government officials in charge. The said fishing vessels must obey the provisions stipulated in Attached Document II of this Agreement. At the same time, they must obey the said other signatory country's related laws and regulations and instructions.

Article 6

1. In order to attain the objectives of this Agreement, the two signatory countries shall set up a Japan-China Fishery Joint Committee (hereinafter referred to as "Committee"). The Committee shall be composed of three Committee members each, who will be appointed by the two signatory countries' Governments, respectively.

2. All the resolutions, recommendations, and other decisions at this Committee shall be made only through mutual agreement of both parties' Committee members who attend this Committee's meetings.

3. The Committee shall hold a meeting alternately either in Tokyo or Peking once every year. The Committee may hold meetings temporarily, as occasion demands, through mutual agreement between the two signatory countries.

4. The task of the Committee shall be as follows:

(1) To conduct studies as to the situation of the enforcement of this Agreement.

(2) To recommend, as occasion demands, the two signatory countries in regard to revision of the Attached Document of this Agreement.

(3) To exchange data on fishery and conduct studies as to conditions for fishery resources.

(4) Besides, the Committee may conduct studies, as occasion demands as to the preservation of fishery resources in the agreed-upon waters and other related problems, and recommend them to the two signatory countries.

Article 7

1. The Attached Document of this Agreement (including the Attached Document which has been revised in accordance with the provision of Item 2) shall constitute an inseparable part of this Agreement.

2. The two signatory countries are entitled to revise the Attached Document of this Agreement through exchange of the official documents, to the effect that the two signatory countries will accept recommendations which have been made by the Committee in accordance with the provision of (2) of Item 4 of the preceding Article.

Article 8

1. This Agreement shall come into force on the day when the notifications are exchanged, to the effect that the procedures, which are deemed to be necessary under domestic laws to bring this Agreement into force, are completed in the respective countries. This Agreement shall remain in force for the period of three years, after that, this Agreement shall continue to remain in force until the termination of this Agreement as; provided for in the following provision 2.

2. Either of the signatory countries is at liberty to terminate this Agreement on the occasion of the termination of the first three-year period or at any time after that period after giving the other signatory country a three-month's advance notice in writing.

WHEREOF, the undersigned persons have signed this Agreement based on the justifiable entrustment from their own respective Governments.

Two copies of this text were prepared in the Japanese language and in the Chinese language, both being equally authentic, in Tokyo on August 15, 1975.

On behalf of the Government of Japan Kiichi MIYAZAWA

On behalf of the Government of the People's Republic of China CHEN Chu

Attached Document I

The contents of measures to be taken by the two signatory countries in accordance with the provision of Article 2 of this Agreement shall be as follows:

1. Drag-net Fishery (including trawler fishery)

(1) Fishing vessels with engine capacities or more than 600 horse-power shall not enter waters, which are surrounded by the line to link in a straight line following various points in regular succession, and engage in drag-net fishery.

(i) The point at lat. 38° N. and long 123° 22' E.

(ii) The point at lat. 38° N. and long 123° 45' E.

(iii) The point at lat. 37° N. and long 123° 45' E.

(iv) The point at lat. 36° 15' N. and long 123° 15' E.

(v) The point at lat. 36° N. and long 122° 30' E.

(vi) The point at lat. 35° N. and long 122° 30' E.

(vii) The point at lat. 32° 30' N. and long 124° E.

(viii) The point at lat. 32° N. and long 125° E.

(ix) The point at lat. 29° N. and long 125° E.

(x) The point a lat. 28° N. and long 125° 30' E.

(xi) The point at lat. 29° N. and long 123° E.

(xii) The point at lat. 27° N. and long 121° 10' E.

(xiii) The point at lat. 27° 30' N. and long 121° 30' E.

(xiv) The point at lat. 29° N. and long 122° 45' E.

(xv) The point at lat. 30° 44' N. and long 123° 25' E.

(xvi) The point at lat. 35° 11' and long 120° 38' E.

(xvii) The point at lat. 36° 48' 10" E. and long 122° 44' 30" E.

(xviii) The point at lat. 37° 20' N. and long 123° 3' E.
(xix) The point at lat. 38° and long 123° 22' E.

(2) Fishing vessels shall not enter the various fishery-suspension areas for a fixed period of time as to various fishery-suspension areas as mentioned below, and engage in drag-net fishery.

(i) Fishery-Suspension Area No. 1

Location: Waters, which are surrounded by the line to link in a straight line the following various points in regular succession:

(a) The point at lat. 38° N. and long 123° 22' E.

(b) The point at lat. 38° N. and long 123° 30' E.

(c) The point at lat. 36° 15' N. and long 123° 30' E.

(d) The point at lat. 36° 15' N. and long 122° 1' E.

(e) The point at lat. 36° 48' 10" N. and long 122° 44' 30" E.

(f) The point at lat. 37° 20" N. and long 123° 3' E.

(g) The point at lat. 38° N. and long 123° 22' E.

(ii) Fishery-Suspension Area No. 2

Location: Waters, which are surrounded by the line to link in a straight line the following various points in regular succession:

(a) The point at lat. 36° 15' N. and long 122° 1' E.

(b) The point at lat. 34° N. and long 122° 1' E.

(c) The point at lat. 34° N. and long 121° 23' E.

(d) The point at lat. 35° 11' N. and long 120° 38' E.

(e) The point at lat. 36° 15' N. and long 122° 1' E.

Period: From September 1 to November 30.

(3) During a specified period of time prescribed for in the various protection areas as mentioned below, the number of fishing vessels, which will enter the said protection areas

and engage in drag-net fishery, shall not exceed the maximum number of fishing vessels to conduct fishing operations as stipulated for between the two signatory countries' Governments.

(i) Protection Area No. 1

Location: Waters, which are surrounded by the line to link in a straight line the following various points in regular succession:

(a) The point at lat. 34° N. and long 123° 15 E.

(b) The point at lat. 34° N. and long 124° 30' E.

(c) The point at lat. 33° N. and long 124° 30' E.

(d) The point at lat. 33° N. and long 123° 15' E.

(e) The point at lat. 34° N. and long 123° 15' E.

Period: From December 1 to the end of February of the next year.

(ii) Protection Area No. 2

Location: Waters, which are surrounded by the line to link in a straight line the following various points in regular succession:

(a) The point at lat. 31° 30' N. and long 122° 57' E.

(b) The point at lat. 31° 30' N. and long 123° 30' E.

(c) The point at lat. 30° 44' N. and long 123' 45' E.

(d) The point at lat. 30° N. and long 123° E.

(e) The point at lat. 30° N. and long 123° 8' E.

(f) The point at lat. 30° 44' N. and long 123° 25' E.

(g) The point a lat. 31° 30' N. and long 122° 57' E.

Period: From April 1 to May 31.

(iii) Protection Area No. 3

Location: Waters, which are surrounded by the line to link in a straight line the following

various points in regular succession:

(a) The point at lat. 29° 30' N. and long 12° 56' 30" E.
(b) The point at lat. 29° 30' N. and long 123° 20' E.

(c) The point at lat. 29° N. and long 123° 10' E.

(d) The point at lat. 28° N. and long 122° 30' E.

(e) The point at lat. 28° N. and long 121' 55' E.

(f) The point at lat. 29° N. and long 122° 45' E.

(g) The point at lat. 29° 30' N. and long 122° 56' 30" E.

Period: From March 1 to April 30.

(4) Fishing vessels, which will engage in drag-net fishery, shall not catch young fish. When fishing vessels encounter young fish, which are swimming in schools, they shall move the place of their fishing operations to other places. The rate of young fish to the amount of fish-catch on every voyage shall not exceed 20% of the total catch of the same species of fish.

Rules relating to young fish shall be as follows:

(i) With regard to kiguchi fish, the length from the tip of their snout to their anus of less than 23 centimeters.

(ii) With regard to cutless fish, the length from the tip of their snout to their anus of less than 23 centimeters.

(5) The meshes of drag-nets, which are used for drag-net fishery, (measured by the inside diameter of the meshes which have been soaked in water and contracted. The same shall apply hereinafter), and the length thereof shall be suited to the following standards:

(i) The meshes of the bag-net and the back-net shall be more than 54 millimeters. The meshes for other nets shall be more than 65 millimeters.

(ii) The length of the bag-net shall be less than 200 meshes.

2. Regarding round haul-net fishery (limited to fishery which will use fish-luring lamps)

(1) Round haul-net fishing vessels with engine capacities of more than 660 horse-power shall not enter waters stipulated in Provision (1) of Item 1, and engage in round haul-net fishery.

(2) Of the waters mentioned in Provision (1), in waters north of the line at lat. 32 N. (hereinafter to be referred to as Protection No. 1), measures to be decided between the two signatory countries' Governments shall be taken.

(3) Of the waters mentioned in Provision (1), in waters north of the line of lat. 32° N. (hereinafter to be referred to as Protection Area No. 2), the number of fishing operations to be conducted by fishing vessels, which will engage in round haul-net fishery from August 1 to December 31, shall not exceed the maximum number of fishing operations which will be decided between the two signatory countries' Governments.

(4) The number of round haul-net fishing vessels, which will enter waters mentioned in Provision (1) and conduct fishing operations, shall be one haul-net fishing vessel and two light-ships per fishery operation. The total degree of brightness of the fish-luring lamps in one light-ship shall not exceed 10,000 candle-power.

(5) Fishing vessels, which will engage in round haul-net fishery, shall not catch young fish in waters mentioned in Provision (1). The rate of young fish to the amount of fish-catch per net shall not exceed 15%. In case of exceeding this rate, young fish shall be released into the sea promptly and the place of fishing operations shall be moved to other places.

Rules relating to young fish concerned shall be as follows:

(i) With regard to mackerel, the length from the tip of the snout to their anus of less than 22 centimeters.

(ii) With regard to horse-mackerel, the length from the tip of the snout to their anus of less than 20 centimeters.

(iii) With regard to saurel, the length from the tip of their snout to their anus of less than 18 centimeters.

(6) The meshes of round haul-net; which will be used in round haul-net fishery in waters mentioned in Provision (1), shall be more than 35 millimeters.

Attached Document II

With regard to the implementation of Paragraph 2, Article 5 of this Agreement, it shall be determined in accordance with the following provisions:

1. Ports of Shelter

(1) The Government of the People's Republic of China shall designate Wenchow Port, the mouth of the Woosung River of Shanghai Port, Lienyunchiang Port, and Tsingtao Ports as the ports where Japanese fishing vessels will take shelter.

(2) The Government of Japan shall designate Izuhara Port, Hakata Port, Tamanoura Port, and Yamakawa Port as the port where fishing vessels of the People's Republic of China will take shelter.

(3) In case either one of the signatory countries' fishing vessels are unable to proceed to the ports specified in Provisions (1) or (2) due to special circumstances, they may proceed to specified ports and take shelter after having reported it to the other signatory country's Government officials and clarified the reason therefor.

2. Destinations of Contact

(1) Fishing vessels of the People's Republic of China shall make contact with the 7th Regional Maritime Safety Headquarters or the 10th Regional Maritime Safety Headquarters of the Maritime Safety Agency of the Government of Japan.

(2) Fishing vessels of the Government of Japan shall make contact with port service supervision organs at Wenchow Port, Shanghai Port, Lienyungchiang Port of Tsingtao Port.

3. Contents of Contact

Contents of matters, which should be reported, shall be the name of ship, call-signs, present location, port of registry, gross tonnage, full-name of the captain, the number of crewmen, destination of shelter, scheduled time of arrival, and reasons for taking shelter.

4. Methods of Contact

(1) In case fishing vessels of the People's Republic of China make contact with officials concerned with the Government of Japan, they shall make contact by either one of the following methods:

(1) Contact shall be made through the wireless station of the 7th Regional Maritime Safety Headquarters or through the wireless station of the 10th Regional Maritime Safety Headquarters or through the wireless station of the 10th Regional Maritime Safety

Headquarters or through the Nagasaki Wireless Telegram Station. Call-signs for these wireless stations are as follows:

Wireless Station of the 7th Regional Maritime Safety Headquarters...JNR

Wireless Station of the 10th Regional Maritime Safety Headquarters…JNJ

Nagasaki Wireless Telegram Station . . . JOS

(ii) Contact shall be made by international telegram written in ordinary sentences, in Japanese or English. Cable-addresses of the Government authorities concerned are as follows:

The 7th Regional Maritime Safety Headquarters . . .
SEVENTHRMSH KITAKYUSHU

The 10th Regional Maritime Safety Headquarters . . .
TENTHRMSH KAGOSHIMA

(2) In case fishing vessels of the Government of Japan make contact with the People's Republic of China's Government officials concerned, they shall make contact by either one of the following methods:

(i) Contact shall be made through the coastal wireless stations at Wenchow, Shanghai, or Tsingtao. Call-signs for these wireless stations are as follows:

Wenchow Coastal Wireless Station . . . XSO

Shanghai Coastal Wireless Station . . . XSG

Tsingtao Coastal Wireless Station . . . XST

(ii) Contact shall be made by international telegram written in ordinary sentences in Chinese or English. Cable-addresses of the Government authorities concerned are as follows:

Wenchow Port Service Supervision Authority . . . Wenchow Port 8969

Shanghai Port Service Supervision Authority . . . Shanghai Port 3966

Lienyunchiang Port Service Supervision Authority . . . Lienyunchiang Port 3189

Tsingtao Port Service Supervision Authority . . . Tsingtao Port 3263.

(Concluded)

Letters on Provision 1, Article of the Agreement

(Chinese Side's Letter)

I beg to inform you in writing. This Ambassador has the honor to refer to the Agreement on fishery, which was signed today between the Government of the People's Republic of China and the Government of Japan, and to state as follows in connection with Provision 1, Article 1 of the said Agreement:

1. The Government of the People's Republic of China has designated waters west of the line stipulated in (1) of Provision 1, Article 1 of the said Agreement as a military warning area, designated to maintain the security of national defense. For fishery resources within the said area, necessary protective measures already have been taken. Japanese fishing vessels shall not enter this area without the permission of officials in charge of the Government of the People's Republic of China.

2. The Government of the People's Republic of China has designated waters west of the line stipulated in (2), Provision 1, Article 1 of the said Agreement as a dragnet fishery's non-fishing area, designed to preserve fishery resources. Chinese fishing vessels shall not conduct fishing operations in the said waters, and Japanese fishing vessels shall not enter the said waters and conduct fishing operations.

3. In the light of the fact that the waters south of the line stipulated in (3), Provision 1, Article 1 of the said Agreement and the waters east of the coast of China, including the vicinity of Taiwan, are still in a state of military operations, the Government of the People's Republic of China shall advise Japanese fishing vessels not to enter the said waters and conduct fishing operations. If they enter the said waters and conduct fishing operations, the said fishing vessels themselves shall assume the responsibility as to the results to be caused therefrom.

This Ambassador begs to avail himself, upon making the above-mentioned representation, to submit my highest esteem and respects to Your Excellency.

August 15, 1975 in Tokyo

CHEN Chu

Ambassador Extraordinary and Plenipotentiary of the People's Republic of China

Excellency Mr. Kiichi MIYAZAWA
Foreign Minister of the Government
of Japan

(Japanese Side's Letter)

I beg to inform you in writing. This Minister confirms receipt of Your Excellency's letter, dated today, on Provision 1, Article 1 of the Agreement on fishery, which was signed today between the Government of Japan and the Government of the People's Republic of China. At the same time, this Minister has the honor to state as follows in connection with this letter:

1. The Government of Japan shall retain the position of the Government of Japan, to the effect that it cannot admit the position of the Government of the People's Republic of China on waters west of the line stipulated in (1) and (2) of Provision (1), Article 1 of the Agreement.

However, in consideration of the necessity of preserving fishery resources in waters west of the line stipulated in (1) and (2) of Provision 1, Article 1 of the Agreement, Japanese fishing vessels shall refrain from entering these water areas and conducting fishing operations.

(2) The Government of Japan shall take note of the advice given by the Government of the People's Republic of China in relation to waters south of the line stipulated in (3), Provision 1, Article 1 of the Agreement. At the same time, the Government of Japan shall retain the position of the Government of Japan, to the effect that it is not able to admit the position of the Government of the People's Republic of China toward the said water area.

This Minister begs to avail himself, upon making the above-mentioned representation, to submit his highest esteem and respects to Your Excellency.

August 15, 1975 in Tokyo

Kiichi MIYAZAWA

Foreign Minister of the
Government of Japan

His Excellency Mr. CHEN Chu
Ambassador Extraordinary and
Plenipotentiary of the
People's Republic of China

Official Exchange Document on Provision (2) of Item 2 ofAttached Document I

(Japanese Side's Letter)

I beg to inform you in writing. This Minister has the honor to confirm the following understanding, which has been reached between the two countries' Governments, on behalf of the Government of Japan in regard to Provision (2), Item 2 of the Attached Document I of the Agreement on fishery which was signed today between the Government

of Japan and the Government of the People's Republic of China.
In Protection Area No. 1, in view of a decree in float-fish resources within the said Protection Area, hitherto measures for preserving fishery resources by round haul-net fishery shall be taken continuously in the said Protection Area. Japanese round haul-net fishing vessels shall not enter the said Protection Area and conduct fishing operations throughout the year.

Furthermore, this Minister has the honor to request Your Excellency to confirm the above-mentioned understanding, on behalf of the Government of your country.

I beg to avail myself, upon making above-mentioned representation, to submit my highest esteem and respects to Your Excellency.

August 15, 1975 in Tokyo

Foreign Minister of the
Government of Japan

Kiichi MIYAZAWA

His Excellency Mr. CHEN Chu
Ambassador Extraordinary and
Plenipotentiary of the
People's Republic of China

(Chinese Side's Letter)

I beg to inform you in writing. This Ambassador has the honor to confirm to have received Your Excellency's following letter today.

"This Minister has the honor to confirm the following understanding, which has been reached between the two countries' Governments, on behalf of the Government of Japan in regard to Provision (2), Item 2 of Attached Document 1 of the Agreement on fishery, which was signed today between the Government of Japan and the Government of the People's Republic of China. In Protection Area No. 1, in view of a decrease in float-fish resources within the said Protection Area, hitherto measures for preserving fishery resources by round haul-net fishery shall be taken continuously in the said Protection Area. Japanese round haul-net fishing vessels shall not enter the said Protection Area and conduct fishing operations throughout the year. Furthermore, this Minister has the honor to request Your Excellency to confirm the above mentioned understanding, on behalf of the Government of your country."

This Ambassador has the honor to confirm the understanding mentioned in Your Excellency's letter on behalf of the Government of the People's Republic of China.

This Ambassador begs to avail himself, upon making above-mentioned representation, to submit my highest esteem and respects to Your Excellency.

August 15, 1975 in Tokyo
CHEN Chu

Ambassador Extraordinary and
Plenipotentiary of the People's
Republic of China

Kiichi MIYAZAWA
Foreign Minister of the Government
of Japan

Agreed-Upon Minutes

The delegate of the Government of Japan and the delegate of the Government of the People's Republic of China reached an agreement on the point that they will record the following matters in connection with the provisions related to the Agreement on fishery (hereinafter referred to as "Agreement") which was signed today between the Government of Japan and the Government of the People's Republic of China.

1. In connection with the number of the two signatory countries' fishing vessels which will conduct fishing operations in the various Protected Areas and the number of fishing operations.

(1) In accordance with Provision (3), Item 1 of Attached Document I of the Agreement, the maximum number of fishing vessels, which will conduct fishing operations within the various protection areas, shall be stipulated as follows:

Protection Area No. 1	Japanese side	120 fishing vessels
	Chinese side	120 " "
Protection Area No. 2	Japanese side	80 " "
	Chinese side	140 " "
Protection Area No. 3	Japanese side	90 " "
	Chinese side	150 " "

(2) In accordance with Provision (3), Item 1 of Attached Document 1 of the Agreement, the maximum number of fishing operations to be conducted in Protection Area No. 2 shall be stipulated as follows:

Japanese side	25 fishing operations

Chinese side 70 fishing operations

2. Implementation of Provision on Size of Meshes

Fishing-nets, which are used by the two signatory countries' drag-net fishery or round haul-net fishery, and which do not conform to Provision (5), Item 1 or Provision (3), Item 2 of Attached Document I of the Agreement, shall be renewed completely within six months from the day of the effectuation of this Agreement.

3. Two Signatory Countries' Coastal Fishery

Measures stipulated in Attached Document I of the Agreement shall not be applied to fishing vessels which will conduct fishing operations within waters off the coasts of their own countries.

4. Safe Fishing Operations

In order to carry out the provision of Article 4 of the Agreement, the two signatory countries' Government officials in charge shall guide their own country's private organizations concerned so that the two countries' private organizations concerned will reach agreement on the following matters as promptly as possible:

(1) Beacons and signals

(2) Matters to be observed in conducting fishing operations

(3) Matters to be observed in taking shelter

(4) Matters to be observed in mooring fishing vessels

(5) Customary preventive measures for conducting safe fishing operations

(6) Matters related to disposition of accidents on the sea

August 15, 1975 in Tokyo

MIYAZAWA

CHEN

ANALYSIS

The 1975 People's Republic of China-Japan fishing agreement was the first fisheries arrangement to be directly negotiated by the Governments of both nations. Prior to 1975, ex-officio agreements were arrived at through the efforts of Japanese non-governmental fishing agencies (such as the Japan-China Fishery Association), a Chinese counterpart organization, and the Chinese People's Institute of Foreign Affairs.

The first private arrangement was negotiated in 1955; it was extended in 1956 and again in 1957. Owing to political circumstances having little to do with fishing, the agreement was allowed to lapse in 1958. A second private agreement was signed in 1963, and a third in 1965. The latter was extended six times through 1975, when joint fishery negotiations were undertaken by the respective Governments.

The 1955 arrangement set forth certain restrictions that have, in most aspects, been reiterated in succeeding agreements. It established trawl restriction, military, and conservation zones off the Chinese coast. Of especial geopolitical significance was the creation of five zones which substantially restricted Japanese fisheries in waters near shore to the Chinese mainland.

(1) In 1955 an East China Motor Trawl Prohibition Zone eliminated Japanese fishing west of intersecting straight-line segments running from the Gulf of Pohai to approximately 29°N -- or those waters located to the west of the "Trawl-free zone" outline in the 1975 Agreement.

(2) In 1955 a Military Warning Zone, in effect, closed off the Gulf of Pohai. Japanese vessels could enter the restricted portion of the Gulf (an area totaling approximately 37,664 n.m.^{2}) only after gaining permission from the Chinese Government. The area covered in the 1955 Agreement is the same as that outlined in the 1975 Agreement. In a formal letter, appendant to the 1975 Agreement, the Chinese government noted:

The Government of the People's Republic of China has designated waters west of the line stipulated in (1) of Provision 1, Article 1 of the said Agreement as a military warning area, designed to maintain the security of national defense. For fishery resources within the said area, necessary protective measures already have been taken. Japanese fishing vessels shall not enter this area without the permission of officials in charge of the People's Republic of China.

The Japanese Government's traditional posture regarding maritime affairs has been one that would steadfastly deny claims to extended marine jurisdiction. Unilateral initiatives (such as the closing of the Gulf of Pohai and the creation of a Motor Trawl Prohibition Zone) have adversely affected Japanese worldwide fishing efforts. Therefore, a formal letter, also appendant to the 1975 Agreement, stipulates:

The Government of Japan shall retain the position of the Government of Japan, to the effect

that it cannot admit the position of the Government of the People's Republic of China on waters west of the line stipulated in (1) and (2) of Provision 1, Article 1 of the Agreement.

However, in consideration of the necessity for preserving fishery resources in waters west of the line stipulated in (1) and (2) of Provision 1, Article 1 of the Agreement, Japanese fishing vessels shall refrain from entering these water areas and conducting fishing operations.

(3) In 1955 fishery regulation zones were established east of the East China Motor Trawl Prohibition Zone. Over time the zones have grown and merged so that the recently negotiated 'Trawl-free zone" encompasses those areas agreed upon in 1955-58, 1963-65, 1966, and 1975. The zone now encloses approximately 46,873 n.m.[2]

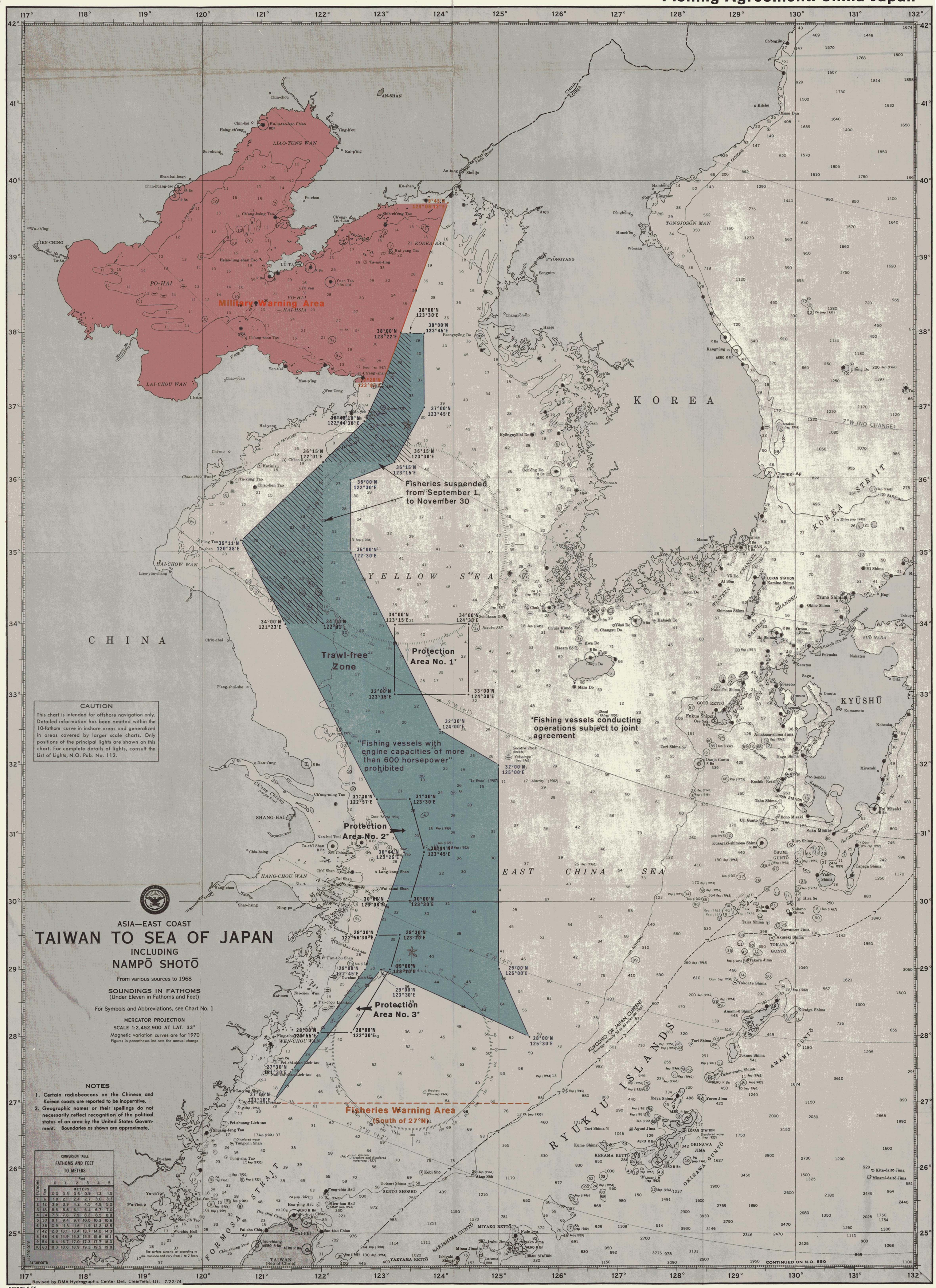
(4) In 1955 a Military Operations Zone was created in waters south of latitude 29°N, and north of Taiwan. Japanese vessels could enter the area only at their own risk. In the 1975 Agreement the fisheries warning area was limited to indeterminate waters south of latitude 27°N. As was the case of other prohibited areas noted above, the Japanese Government provided a rejoinder to the Chinese claim:

The Government of Japan shall take note of the advice given by the Government of the People's Republic of China in relation to waters south of the line stipulated in (3), Provision 1, Article 1 of the Agreement. At the same time, the Government of Japan shall retain the position of the Government of Japan, to the effect that it is not able to admit the position of the Government of the People's Republic of China toward the same water area.

(5) In 1955 a Military Navigation Zone was created to the east of Hangchou Bay, south of Shanghai. Japanese vessels could not enter the area under any circumstance. This area is not specifically mentioned in the 1975 Agreement; however, it is presumed that the restriction is still in effect.

The 1975 Agreement on Fisheries Concluded Between the Government of Japan and the Government of the People's Republic of China is the fourth administrative pact (air, trade, and shipping accords had previously been signed) concluded since the September 29, 1972, joint statement normalizing relations between the two Governments.

Fishing Agreement: China-Japan



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