

Russia. Treaties, etc., 1894 - 1917 (Nicholas II)

RUSSIAN-JAPANESE CONVENTION CONCERNING FISHERIES.

Signed July 15 (28), 1907.

(Translation.)

His Majesty the Emperor of All the Russians and His Majesty the Emperor of Japan have, for the purpose of concluding a fisheries convention in accordance with the provisions of Article XI of the treaty of peace concluded at Portsmouth on August 23 (September 5), 1905, (being the 5th day of the 9th month of the 38th year of Meidji) appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of All the Russians:

ALEXANDER ISWOLSKY, Master of His Court and Minister for Foreign Affairs, and His Privy Councilor CONSTANTINE GOUBASTOFF, Assistant Minister for Foreign Affairs; and

His Majesty the Emperor of Japan:

ITCHIRO MOTONO, Doctor of Laws, his Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of All the Russians;

Who, after having communicated to each other their respective full powers, found in due and good order, have concluded the following articles:

Article I.

The Imperial Government of Russia grants to Japanese subjects, in accordance with the provisions of the present convention, the right to fish, catch, and prepare all kinds of fish and aquatic products, except fur seals and sea otters, along the Russian coasts of the seas of Japan, Okhotsk, and Behring, with the exception of the rivers and inlets. The inlets which constitute the objects of the above exception are enumerated in article 1 of the protocol hereto annexed.

Article II.

Japanese subjects are authorized to engage in fishing and in the preparation of fish and aquatic products in the fishing tracts specially designated for this purpose, situated both at sea and on the coasts, and which shall be leased at public auction without any discrimination between Japanese and Russian subjects, either for a long term or for a short term. Japanese subjects shall enjoy in this respect the same rights as Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention.

The dates and places appointed for these auctions, as well as the necessary details relative to the leases of the various fishing tracts, shall be officially notified to the Japanese consul at Vladivostok at least two months before the auctions.

The fishing for whale and codfish, as well as for all kinds of fish and aquatic

Copy 2

LIBRARY OF CONGRESS
RECEIVED
APR 8-1921
DOCUMENTS DIVISION

5H283
1907
copy 2

products which cannot be taken within special tracts, shall be permitted to Japanese subjects on sea-going vessels provided with a special permit.

Article III.

Japanese subjects who shall have acquired fishing tracts by lease in accordance with the provisions of Article II of the present convention shall have, within the limits of these tracts, the right to make free use of the coasts which have been granted to them for the purpose of carrying on their fishing industry. They may make on these coasts the necessary repairs to their boats and nets, haul the latter on land and land their fish and aquatic products, and salt, dry, prepare, and store their fish and other hauls there. For these purposes they shall be at liberty to construct thereon buildings, stores, cabins, and drying houses, or to remove them.

Article IV.

Japanese subjects and Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention shall be treated on an equal footing in everything regarding imposts or taxes, which are or shall be levied on the right to fish and to prepare fishing products, or on the movable or immovable property necessary in this industry.

Article V.

The Imperial Russian Government shall not collect any duty on fish and aquatic products, cut or taken in the provinces of the coast and of the Amour, whether such fish and aquatic products are manufactured or not, when they are intended for export to Japan.

Article VI.

No restriction shall be established regarding the nationality of persons employed by Japanese subjects in fishing or in the preparation of fish and aquatic products in the regions specified in Article I of the present convention.

Article VII.

With regard to the mode of preparation of fish and aquatic products, the Imperial Russian Government agrees not to impose on Japanese subjects any special restrictions from which Russian subjects are exempt who have acquired fishing tracts in the regions specified in Article I of the present convention.

Article VIII.

Japanese subjects who have acquired the right to fish may proceed directly either from Japan to the fishing grounds or from these grounds to Japan on vessels provided with a certificate issued in Japan by the competent Russian consulate, as well as with a bill of health issued by the Japanese authorities.

The said vessels shall be authorized to transport from one fishing ground to another, without imposts or taxes, the persons and articles necessary in the fishing industry, as well as the fish and other sea products. The aforementioned vessels shall submit in all other respects to the Russian laws on coasting trade at present enforced or which may be enacted in future.

...the ... of ...

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

Article IX.

Japanese and Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention shall be placed in a footing of equality with regard to the laws, regulations, and ordinances at present in force or which may be enacted in future concerning fish culture and the protection of fish and aquatic products, the supervision of the industry connected therewith, and any other matter relating to fisheries.

The Japanese Government shall be notified of newly enacted laws and regulations at least six months before their enforcement.

With regard to newly enacted ordinances, notice shall be given thereof to the Japanese consul at Vladivostok at least two months before they go into effect.

Article X.

With regard to matters not specially designated in the present convention, but which relate to the fishing industry in the regions specified in Article I of the said convention, Japanese subjects shall be treated on the same footing as Russian subjects who have acquired fishing tracts in the aforementioned regions.

Article XI.

Japanese subjects may engage in the preparation of fish and aquatic products within the tracts of ground which shall be rented to them outside the regions specified in Article I of the present convention, always submitting to the laws, regulations, and ordinances which are or may be in force and applicable to all foreigners in Russia.

Article XII.

The Imperial Government of Japan, in consideration of the fishing rights granted by the Imperial Government of Russia to Japanese subjects by virtue of the present convention agrees not to levy any import duties on the fish and aquatic products caught or taken within the provinces of the coast and the Amour, whether these fish and aquatic products are manufactured or not.

Article XIII.

The present convention shall remain in force for twelve years. It shall be renewed or modified at the end of every twelve years, by virtue of a mutual agreement between the two High Contracting Parties.

Article XIV.

The present convention shall be ratified and the ratifications exchanged at Tokyo as soon as possible and at all events not later than four months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present convention and affixed thereto their seals

Done at St. Petersburg, July 15 (28), 1907, being the 28th day of the 7th month of the 40th year of Meidji.

(L. S.) ISWOLSKY.

(L. S.) I. MOTONO.

(L. S.) GOUBASTOFF.

PROTOCOL.

The Government of His Majesty the Emperor of All the Russians and the Government of His Majesty the Emperor of Japan deeming it necessary to settle certain questions arising from the provisions of the fisheries convention signed this day, their respective Plenipotentiaries have agreed on the following articles:

Article 1.

The inlets comprised within the exception mentioned in Article I of the fisheries convention signed to-day are the following:

1. St. Lawrence Bay, as far as a straight line drawn from Cape Pnaugun to Cape Kharguilakh.
2. Metchigeme Bay.
3. Konian (Penkegunei) Bay, as far as a straight line drawn from Cape Netchkonone to Grab Peak.
4. Abolechev (Kalagan) Bay.
5. Roumilet Bay.
6. Providence Bay, as far as a straight line drawn from Cape Lissovsky to Ball's Head.
7. Saint Croix Bay, as far as the parallel of Cape Meetchken.
8. Anadyr Bay, as far as a straight line drawn from Cape Saint Basilius to Cape Guek.
9. Saint Paul Bay.
10. Schliupotchnaïa Gavane.
11. Tuleny Lake.
12. Schestifoutovy Lake.
13. Northern part of the Gulf of Baron Korff.
14. Port Karaga.
15. Bétchévinsky Bay.
16. Avatchinsky Bay, as far as a straight line drawn from Cape Bezimianny to Cape Dalny.
17. Penjinsky Gulf, as far as the parallel of Cape Mamet.
18. Grand Duke Constantine Bay.
19. Saint Nicholas Gulf, as far as a straight line drawn from Cape Lamsdorff to Cape Groté.
20. Stchastia Bay.
21. Baikal Gulf, as far as a straight line drawn from Cape Tchaouno to Cape Vitovtov.
22. Nyisky Gulf.
23. Nabilsky Gulf.
24. Krestovy Bay.
25. Stark Bay.
26. Vanine Bay, as far as a straight line drawn from Cape Vessely to Cape Bourny.
27. Imperial Harbor, as far as a straight line drawn from Cape Milioutine to Cape Poutiatine.
28. Terneï Bay, as far as the meridian of Cape Strachny.
29. Saint Vladimir Bay, as far as a straight line drawn from Cape Balusek to Cape Vatovsky.
30. Small inlet situated in the northeast portion of Préobrajénié Bay, as far as the meridian of Cape Matveïev.

It is understood that the exception in question shall extend only as far as the boundaries of the Russian territorial waters.

With regard to the northern coasts of the Okhotsk Sea, from the mouth of the Podkaguerny River to Port Ayan, with exception of Penjinsky Gulf (see

APPENDIX

The first part of the report deals with the general situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

CONTENTS

The second part of the report deals with the economic situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The third part of the report deals with the social situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The fourth part of the report deals with the cultural situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The fifth part of the report deals with the political situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The sixth part of the report deals with the administrative situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The seventh part of the report deals with the judicial situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

The eighth part of the report deals with the military situation of the country and the position of the various groups of the population. It is followed by a detailed description of the various regions and their characteristics.

No. 17 above), the inlets to be comprised within the aforementioned exception shall be determined according to the following definition: Bays which cut into the continent a distance three times as great as the width of their entrance.

Fishing shall, moreover, be prohibited to Japanese subjects as well as other foreigners, for strategical reasons, within the limits of the territorial waters of the following bays:

1. De Castries Bay, together with Frederickse Bay, as far as a straight line drawn from De Castries Bay to Cape Kloster-Kamp and to a line drawn from Cape Kloster-Kamp to Cape Ostry.

2. St. Olga Bay, as far as a straight line drawn from Cape Manevsky to Cape Schtott.

3. Peter the Great Bay, from Cape Povorotony to Cape Gamov, including the islands within this Bay.

4. Possiet Bay, from Cape Jamov to Cape Boutakov.

Article 2.

As far as the limits of the river with regard to the sea are concerned, the two High Contracting Parties will conform to the principles and usages of international law.

Article 3.

The right of fishing granted to Japanese subjects within the Liman of the Amour, by virtue of the fisheries convention, is subject to the following special conditions:

1. Japanese subjects may acquire fishing tracts within this region at public auction on the same footing as Russian subjects.

2. Japanese subjects who have acquired fishing tracts shall be subject, in all respects with regard to the fishing industry, to the same laws, regulations, and ordinances, already enacted or to be enacted for river fishing in the basin of the Amour, as Russian subjects who have been awarded fishing tracts themselves, and especially to the provisions which prohibit persons who have been granted fishing tracts in this region from employing foreign laborers.

Article 4.

Japanese subjects may, at their request, acquire fishing tracts at public auction anywhere within the regions specified in Article I of the fisheries convention, provided they submit to the laws, regulations, and ordinances at present in force or which may be enacted in future for the breeding and protection of fish, for the supervision of the industry connected therewith, and on any other matter relating to fisheries in the aforementioned regions. It is understood that the Japanese subjects shall only be subject to these laws, regulations, and ordinances to the extent that the same laws, regulations and ordinances are applicable to Russian subjects themselves who have acquired fishing tracts in these regions.

Article 5.

The term "Russian subjects who have acquired fishing tracts" (see Articles II, IV, VII, IX, and X of the fisheries convention and article 4 of the present protocol) shall neither apply to colonists nor to native races enjoying special privileges.

Article 6.

It is understood that the Imperial Russian Government reserves the right to grant fishing rights to colonists who may come and settle at places where there are no fishing tracts leased. The same shall apply to the native races.

The Russian Government agrees not to grant, during the continuance of the fisheries convention, the said rights to colonists or native races at the places where fishing tracts have already been created once.

It is agreed that the term colonists shall be applied only to persons and their families who are personally engaged in fishing without hiring any workmen.

Article 7.

The Imperial Russian Government gives the assurance for the future that the fishing tracts already existing in the regions specified in Article I of the fisheries convention shall remain open throughout the duration of the said convention, with the exception of the tracts at present occupied by the colonists for their fishing.

Article 8.

The duration of the grants of fishing tracts leased by public auction shall be fixed as follows:

1. One year for tracts which are opened for the first time after the fisheries convention goes into force.
2. Three years for tracts which have already been worked for one year.
3. Three years for tracts which have already been worked during the first period of three years.
4. Five years for tracts which have already been worked during the two periods of three years.

Article 9.

Leases of fishing tracts whose term has not yet expired at the time of expiration of the twelve-year period mentioned in Article XIII of the fisheries convention shall continue to be valid throughout the duration of the term fixed in the aforementioned leases, whatever decision may be reached by the two Contracting Parties concerning the convention itself.

Article 10.

The Imperial Russian Government will have no objection to Japanese subjects manufacturing fertilizer from herring and other species of fish which happen to enter their nets with the herrings when they are swimming in masses. The Russian Government will also have no objection to the Japanese subjects preparing and salting pickled fish after the Japanese manner.

Article 11.

The certificate of navigation for the voyage from Japan to the fisheries in the Russian waters and back shall be issued by the competent Russian consulates to the Japanese fishers upon the presentation of documents showing:

1. The right to lease the tract (or tracts) to which the vessel wishes to sail.
2. The number of persons on board.
3. The nature of the cargo, which shall be solely intended for the fishing industry, and its quantity.

The navigation certificate shall enumerate:

1. The name of the vessel and of the port where it is registered.
2. The name of the fishing contractor to whom the tract or tracts have been granted.
3. An exact indication of the fishing tract or tracts to which the vessel is proceeding.
4. The nature and quantity of the cargo.
5. The number of persons on board.

The vessel provided with the aforementioned certificate and with the bill of health shall be authorized to enter and call only at the points along the Russian coasts which are indicated in the certificate. It is a matter of course that the ports where a custom-house is situated shall always be accessible to the said vessel.

Japanese vessels proceeding to Russian waters in order to engage in fishing for whales, cod, etc., by virtue of the third paragraph of Article II of the fisheries convention, shall call provisionally in one of the Russian ports specially designated, where the competent Russian authorities shall issue to them a special permit for such fishing, which permit shall serve them at the same time as the certificate of navigation.

Article 12.

The use of the ordinary Tateami shall be authorized in all fishing tracts occupied by Japanese subjects except in tracts situated nearest to the mouths of rivers. It is agreed, moreover, that the use of Tateami in these last-mentioned fishing tracts shall not be prohibited in case fishing with movable nets is not practicable there.

Article 13.

It is understood that the expression "Fish and aquatic products" used in the fisheries convention and the protocol annexed thereto, shall include all species of fish, animals, plants, and other aquatic products except fur seals and sea otters.

Article 14.

The present protocol shall be considered as being ratified upon the ratification of the fisheries convention signed to-day, and shall have the same duration as the said convention.

In witness whereof the Plenipotentiaries have signed the present protocol and sealed it with their seals.

Done at St. Petersburg, in two copies, on July 15 (28), 1907, being the 28th day of the 7th month of the 40th year of Meidji.

(L. S.) ISWOLSKY.

(L. S.) I. MOTONO.

(L. S.) GOUBASTOFF.

Reciprocal Declarations Contained in Protocol No. 4 of the Negotiations on the Fisheries Convention.

1. With regard to the northern coasts of the Sea of Okhotsk, the Imperial Russian Government, without awaiting the final result of the detailed surveys of these coasts, which will be made without delay, agrees to grant fishing tracts to Japanese subjects in all places which are obviously not comprised within the definition agreed on for the term "inlet".

The first part of the report deals with the general situation in the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved.

The second part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The third part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The fourth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The fifth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The sixth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The seventh part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The eighth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The ninth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The tenth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The eleventh part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The twelfth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The thirteenth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

The fourteenth part of the report is devoted to a description of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved.

2. With regard to the prohibition to employ foreign workmen in the fishing tracks of the Liman of the Amour, the Plenipotentiary of Russia has given the following explanation to the Plenipotentiary of Japan: In fishing tracts leased for a long term the employment of foreign laborers is prohibited both for fishing and the preparation of fish; however, the owners of these tracts may, at their request, lease tracts of ground for a short term at places situated from one-half to one dersh from their fishing tracks. No restrictions shall be placed on the nationality of the workmen employed in these tracts of ground intended for use in the preparation of the fish.

In the fishing tracts leased for a short term the employment of foreign laborers is prohibited only in the catching of fish, it being permissible to employ laborers of all nationalities without distinction on land in the preparation of the fish.

It is understood as a matter of course that, in the tracts leased for a long term as well as in those for a short term, the aforementioned restrictions regarding nationality shall not apply to persons who are not comprised within the category of laborers, such as foremen, overseers, clerks, etc.

3. It is understood that the expression "short-term leases" applies only to leases whose term does not exceed one year.

4. It is agreed that the fishing tracts situated within the regions specified in Article I of the fisheries convention and leased for a long term before the said convention went into force, shall also be leased for a long term immediately after the convention goes into force.

5. All Japanese steam vessels navigating in Russian waters for the purpose of engaging there in the fishing industry must be provided with a ship's journal translated into Russian or English. As to Japanese sailing vessels navigating in Russian waters for the purpose of engaging in the fishing industry, they shall comply with the foregoing provision as far as possible.

6. The principles laid down in Article XI of the fisheries convention having been established, the Plenipotentiary of Japan expressed the hope that the Imperial Russian Government, in imposing upon Japanese subjects the restrictions which might be connected with the application of this article will be guided only by considerations of public order and that it will endeavor to reduce them as much as possible. The Russian Plenipotentiary replied that he shared this view and that the intention of the Russian Government was to establish the same rules for all foreigners engaged in the industry mentioned in the same article as are now enforced in the Nicolayefsk region (mouth of the Amour and the Liman), but that it reserved the right not to extend these rules to localities where the supervision is difficult.

7. The Plenipotentiary of Japan, taking note of the final acceptance by the Plenipotentiary of Russia of the wording of Article V whereby the Russian Government agrees not to collect any duty, impost, or tax, under any denomination whatever, on fish or aquatic products caught or taken within the Russian waters of the provinces of the coast and of the Amour and intended for export to Japan, whether such fish or aquatic products are manufactured or not, declares that his Government, on its part, will not only not collect the import duties mentioned in Article XII, but also no duty, impost, or tax, under any denomination whatever, upon fish and aquatic products caught or taken within the Russian waters of the provinces of the coast and of the Amour and imported into Japan, whether such fish and aquatic products have been manufactured or not.

8. In order to avoid all cause of misunderstanding in future regarding certain inlets comprised within the exception mentioned in Article I of the fisheries convention, the map herewith inclosed and giving the exact limits of the said inlets has been annexed to the present protocols.

GOUBASTOFF.

I. MOTONO.

