

1999-06

1999. 12

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「 」 (UN Convention on the  
Law of the Sea) 5 158  
132

1965

1998

가

가

가

74 /3 (provisional arran-  
gement)

Gray Zone

White Zone

1999 12

韓國海洋水產開發院  
院長 李 廷 旭

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< >

## 暫定協定 法的 性格 中間水域 運用問題 研究

1998

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·  
2 3  
74 /3  
· , 가  
· 4  
·  
가 5 6  
· 7  
·  
White Zone  
Gray Zone  
Gray Zone  
White Zone  
· , 가  
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<ABSTRACT>

## **Studies on the Legal Status of the Provisional Arrangement and the Utilization of the Middle Zone**

Since the conclusion of the New Fishery Agreement between Korea and Japan, there have been some controversies concerning the legal characteristics of the Agreement and the legal status of the middle zone in the East Sea. The object of this study is to identify the most efficient method to utilize the middle zone in the East Sea by reviewing the legal natures of the Provisional Fishery Agreement as well as the Middle Zone in terms of International Law.

To achieve this end, the history of codification and the legal implications of Article 74/Paragraph 3 of the United Nations' Convention on the Law of the Sea which provide an international legal regime of the Provisional Fishery Agreement and the middle zone have been analysed in Chapter 2 and 3. That is, the relations of rights and obligations of the concerned countries which are imposed before the final delimitation of the maritime boundaries have been studied. In Chapter 4, the classification of Provisional Fishery Agreements is proposed by analysing international cases. Even though such classification is indispensable to clarifying the legal status and method of utilization of provisional arrangements and middle zones, there has yet been very few discussions related to these issues in Korea. Therefore, in terms of these analyses, the method of establishment and the legal characteristics of the Middle Zone in the East Sea, stipulated in the New Fishery Agreement between Korea and Japan, have been researched in Chapter 5 and 6. And Finally, in Chapter 7, the efficient way to utilize the Middle Zone in the East Sea has been suggested.

The method of classifying provisional fishery agreements, which is established before the definite delimitation, into the Gray Zone and White

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Zone formula is becoming prevalent in international law. And according to this, the New Fishery Agreement between Korea and Japan can be considered to come under the rubric of the Gray Zone approach. However, the better way to utilize the Middle Zone in the East Sea would be to operate it as a White Zone.

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< - 1>	.....	21
< - 2>	.....	23
< - 1> .	.....	28

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## 第 1 章 序 論

1.

1998 9

.

.

2000

(Exclusive Economic Zone : EEZ )

가 가

.

가

.

.

. 1997 11

.

“

”

, 1998 11 가 .

가

.

,

.

,

가

.

,

가

.

.

, EEZ

.

EEZ

74 /3

EEZ

2

.1)

「 (Provisional Measure Interim Measure)」

「가」(Interim Measure)

74 /3

가

74 /3

(provi-  
sional arrangement)

3

「EEZ

, 「」

.2)

2.

1)

---

1) Lagoni, "Interim Measures Pending Delimitation", *American Journal of International Law*, Vol. 78, p.349.

2) Oxman, "The Third United Nations Conference on the Law of the Sea :The Seventh Session(1978)", *American Journal of International Law*, Vol.73, p.22.

가 .

EEZ

EEZ

2)

EEZ

---

## 第 2 章 暫定協定 中間水域 海洋法 規定

1.

가 EEZ .  
가 EEZ ,  
EEZ , 가가  
EEZ ,  
가  
가  
가  
가  
EEZ 가 400 가 ,  
1/3 .  
.  
.  
.  
3  
가  
.  
74 3 .  
“ 1 (EEZ ) ,  
.  
.

”

EEZ

.

,

.

2. 74 3 3)

74 3

3

.

1)

3

1967

Arbid Pardo

가 가

가

.

3

3

1973

1982

‘EEZ

74 ’ ‘

83 ’

1973 Sea-Bed Committee

‘ , ‘ ,

(Relevant Circumstances)

‘

3) United Nations Convention on the Law of the Sea 1982 Commentary, Vol. 2, pp.796 816, pp.948 985.



‘ , . . . ’  
 . ‘

’ , 14

가 ‘ ,

1974

2

13

Working Papers

Main Trends가

Main Trends

400

(Alternatives)

2

‘ , ,  
 ‘ , , . ‘ ,  
 , , , , 가  
 , ‘ , ‘ ,

(equitable dividing line)’

1975

3

(ISNT : Informal Single Negotiations Text)

1975

2

ISNT

‘ , ,  
 ” , “  
 ”

1976

4

(RSNT :

Revised Single Negotiation Text)

4

‘ , , ‘ ,  
 ‘ , ‘ ,

RSNT

가

1976 5  
5 Negotiating Group , NG5가  
.  
1977 6  
.  
ICNT (Informal Composite Negotiation  
Text) 가 . 1979 ICNT / Rev.1 .  
1978 7  
“Hard-Cord Issues” , 7  
 , NG7 ,  
Eero J. Manner가 . 1980 9  
ICNT/Rev.2 , 9  
(IT) .  
1981 Official Text가 , EEZ  
74 83 가 .  
2) 74 3 84 3  
3 EEZ 74  
83 , 「  
」  
「 」 3  
 ,  
3 .  
1973 Sea-Bed Committee  
 .  
 . 1974 3  
2 2  
가 .  
 .

가

, 가

가 (bona fide)

"Pending an agreement for which provision is made in the preceding paragraphs, no State is entitled to carry on exploration or exploitation activities in any areas which are claimed bona fide by any other State except with the express consent of that State, provided such a claim is not inconsistent with the principles laid down in this article."

1975 3 ISNT

ISNT 61 3

"Pending agreement, no State is entitled to extend its Exclusive Economic Zone beyond the median line or the equidistance line."

, ISNT EEZ

1976 4 RSNT ‘  
 , ‘  
 가 ,

RSNT  
 , RSNT

가  
 RSNT 62 3

"Pending agreement or settlement, the States concerned shall make provisional arrangements, taking into account the provisions of paragraph 1."

ISNT  
 「 (preventive approach) , RSNT  
 「 , “  
 (incentive approach)”  
 RSNT 1977 ICNT 1979 ICNT 1

가  
 가  
 “ (provisional arrangements)” RSNT

가  
 1977 6  
 “ ... (alternative)

”

‘ Preventive Approach

Approach 가 Incentive Approach

1978

Negotiation Group 7(NG7) 가

1978 20 가

.

"Pending agreement or settlement in conformity with paragraphs 1 and 2, the parties in the dispute shall refrain from exercising jurisdiction beyond the median or equidistance line unless they agree in alternative interim measures of mutual restraint."

30 가 RSNT

가

가

"Pending the conclusion of an agreement or settlement, the States concerned shall abstain from any measure which could prejudice a final solution or in any way, aggravate their conflict, and shall endeavor to reach mutually acceptable, provisional arrangements, regarding the activities in the 'bona fide' disputed area"

1978 가 7 NG 7 E. J. Manner( )

1979 8

가

(provisional arrangements)

‘

‘

가 .  
1979 8 8  
“  
”  
,  
.4)

"Pending agreement or settlement, the States concerned shall, in a spirit of cooperation, freely enter into provisional arrangements. Accordingly, they shall refrain from activities or measures which may aggravate the situation or jeopardize the interests of either State, during the transitory period.

Such arrangements, whether of mutual restraint or mutual accommodation, shall be without prejudice to the final solution on delimitation."

1979 8 8  
74 3

---

4) "Reports of the United States Delegation to the Third United Nations Conference on the Law of the Sea", The Law of the Sea Institute Occasional Paper, No.33. pp.243 519.

## 第3章 境界劃定

## 基本的

## 權利・義務 關係

1.

74 3, 가 가 .

EEZ

가

EEZ

74 3

가

“

(shall make every

effort )”

가

EEZ

가가

가

가 ,

“ (in a spirit of understanding and cooperation)”

(in good faith)

(an obligation to cooperate)

123

가 (a principle underlying all international relational relations)”

33

5)

가

6)

Lac Lanoux 7) , “ 가

가 ,

”8)

5) North Sea Continental Shelf Cases, 1969 ICJ Rep. at 47, para. 86.

6) North Sea Continental Shelf Cases, 1969 ICJ Rep. para. 85.

7) 12 Report of International Arbitration Awards 285(1956).

8) ICJ Pleading(Aegean Sea Continental Shelf) 69, 70, Para. 10.(1976)



가  
 .  
 (propotionality)  
 300  
 .  
 74 3 ,  
 가가  
 가  
 가  
 가  
 가  
 “ (bona fide)  
 가  
 가가  
 가가  
 가  
 가  
 가  
 3  
 가 3  
 가 가  
 가  
 가

가 .  
가가

가가 가  
.  
.

2. (Obligation of Mutual Restraint)

74 3 가  
가 .

.  
.  
.  
18 가 .

가 .

.  
가

Humphrey Waldock 가

18 .9)

가

41 가 290

가

Kattegat

1979

1983

가

가

74 3

가

가 .

---

9) United Nations Conference on the Law of the Treaties, Official Records of the First Session, UN Doc. A/Conf. 39/11 para.26(1968).

“ 가  
(transitory) , 海底  
... 가  
.”<sup>10)</sup>

1972

1960 69

(irreparable prejudice)가

---

10) 1976 *ICJ Rep.*

"...The continued seismic exploration activities undertaken by Turkey are all of the transitory character just described, and do not involve the establishment of installations on or above the sea-bed of the continental shelf; and ... no suggestion has been made that Turkey has embarked upon any operations involving the actual appropriation or other use of natural resources of the areas of the continental shelf which are in dispute..."

---

## 第 4 章 國際法上 暫定漁業協定 概念 分類 事例

1.

, 74 3 11) 가  
1969  
, 2 “  
가  
”  
가 3  
34 “ 3  
”  
“res inter alios acta”  
74 3  
“(practical nature)”  
共同漁撈水域

---

11) 74 3 "arrangement" 1996  
“取極” “約定”  
가 "arrangement"  
(treaty)



"Gray Zone"

3

NG7

Manner가

.<sup>12)</sup>

White Zone Approach

가

. ,

Gray Zone

.

Churchill

White Zone

Gray

Zone

Light Gray Zone

(Miscellaneous)

.

.

# 1) Gray Zone

Gray Zone

1976

<sup>13)</sup>

.

1977

EEZ(

EFZ

, 1984

EEZ

)

,

EEZ(EFZ)가

.

EEZ

EEZ

.

1978

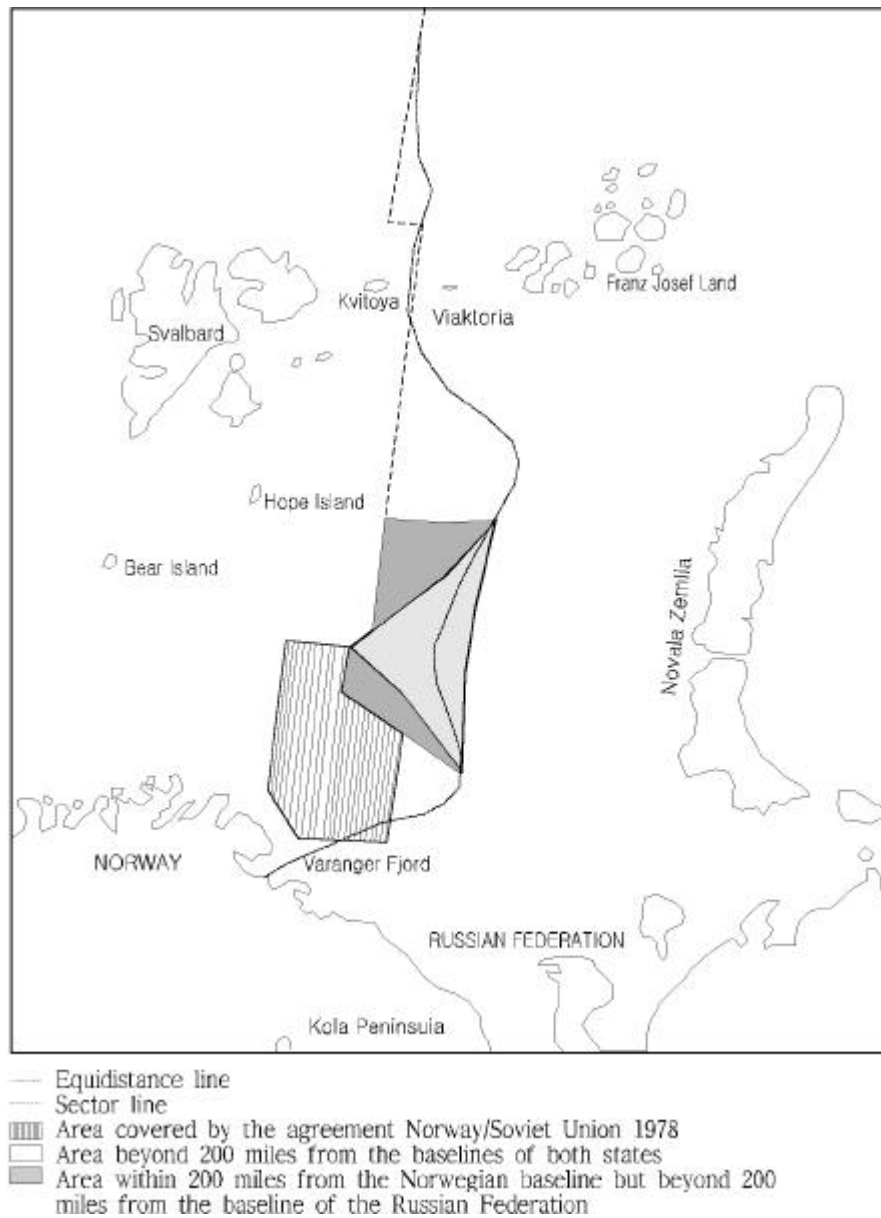
67,500

.

<sup>12)</sup> United Nations Convention on the Law of the Sea, Conf. Doc. NG 7/23.

<sup>13)</sup> 1 .

< - 1 >





## Gray Zone

3  
漁具 漁法

Gray Zone 1977 Kattegat  
200  
12  
1984 EFZ

Gray Zone

1977

Gray Zone

가

Gray Zone

.<sup>14)</sup>

가

14) David Colson, "Grey Zone", *Journal of Maritime Law and Commerce*, Vol. 12, No. 2, (1977), pp. 200-201. A. 가 (12, 200) 가, A B, A Grey Zone Grey Area, 1973. Jonathan I. Charney & Lewis M. Alexander, *International Maritime Boundaries*, pp.67-69.

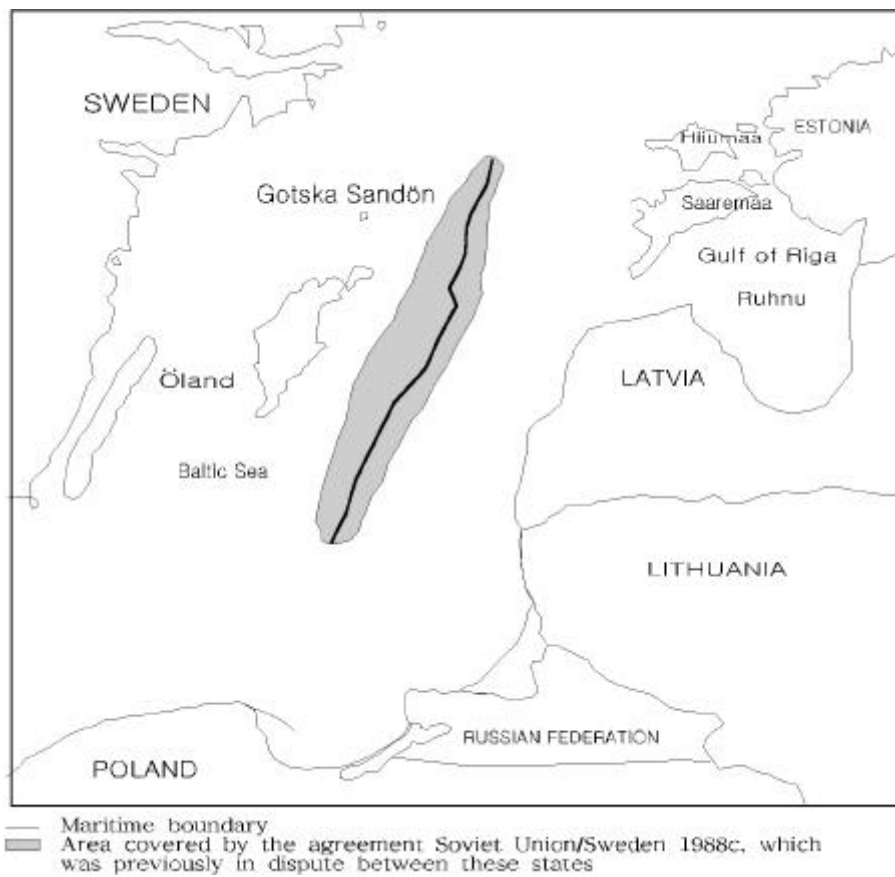
## 2) White Zone

White Zone

1977

15) .

< -2>



15)

2

“ ( )

”

13,000

“ ” , 1988

EEZ

1977

White Zone

1989

3)

가

가

1953

1977

”

가

가

, 3

Churchill 「Light Gray Zone」

Churchill Light Gray Zone

1989 ( ),

가 ( ) Capelin .<sup>16)</sup>

가

가 78% , 가

11% Churchill EEZ

Light Gray Zone

가

1989 (St. Pierre and Miquelon)

Gray Zone 가

가

Grey Zone White

Zone 1981 EEZ 가 EEZ

16) ( ) 1980 가 , ( ) 1993

第 5 章 東海 中間水域 設定 經緯 方式

1.

EEZ 가 , 17)  
가 . ,  
가 .  
1996 ,  
先EEZ , 後 .  
1996 8 ,  
EEZ  
(以遠)  
EEZ  
1997 1 , 1997  
가  
EEZ  
1997 8 ,  
10  
12 .

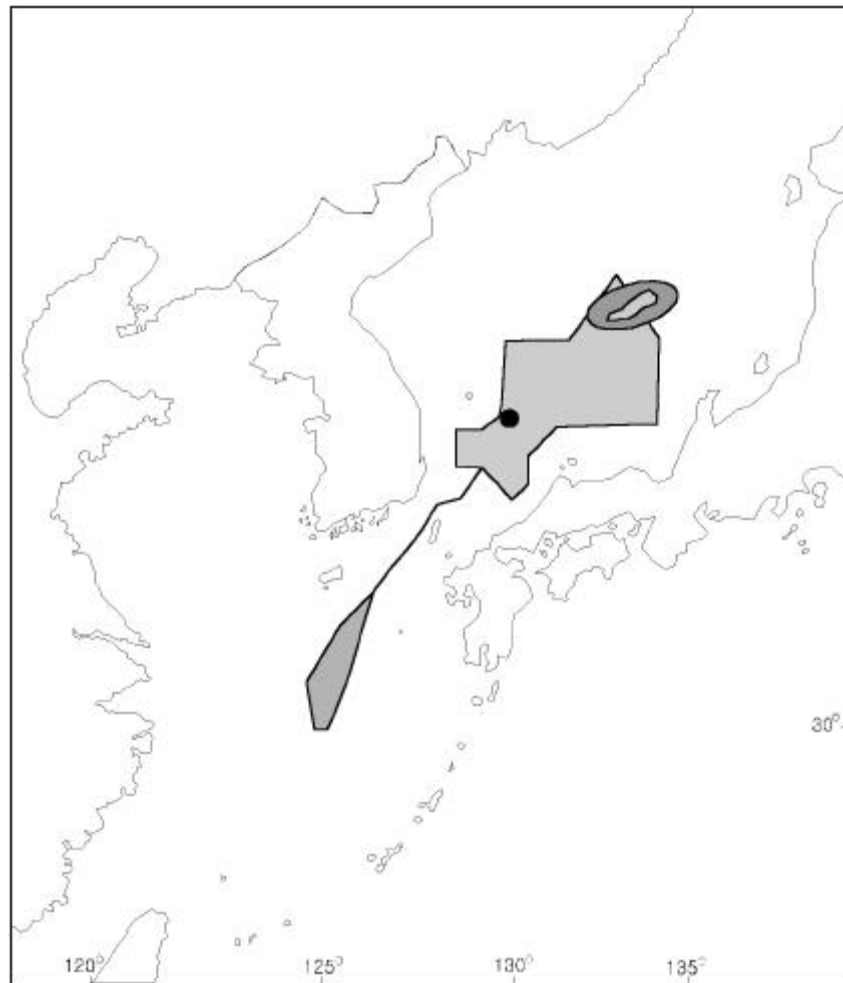
17) 3 .

1997 11 ‘ X ,  
52 .  
1997 11 32  
, ( )  
,  
135 가 .  
X 가 52 ,  
X , 12 가  
.  
1998 8 , 135 ,  
.  
1998 9 ( , ,  
) .  
,  
.  
EEZ  
.  
暫定水域 ,<sup>18)</sup>  
北部 暫定水域 中間水域 南部 暫定水域  
.<sup>19)</sup>  
.<sup>20)</sup>

28

2.

< - 1 >



15

21) , “EEZ ”, 1, 6 1 , 1999, p.13.



## 第 6 章 東海 中間水域 法的 性格 國內 論議動向

1.

22) , “ , ” ,

9  
가 . 가 ,  
15  
가 ,  
3  
“ ”  
가 가  
EEZ , ‘ 가  
(23)  
(24)  
가  
(ICJ) 1953 .

23) , “EEZ ”, 「 , 6 1 , 1999, p.27.

가 」 , 1999. 10. 23 p.11.

24) , 1998. 9. 26 「 」, 5 .

ICJ - “*La Nación*”, ICJ

가 , 가  
가 .  
가 ,  
가 .  
가 ,  
가 .

(26)

74 3 , “

25) *ICJ Rep.* 1953, p.58

“...even if it be held that these groups lie within this common fishery zone, the Court cannot admit that such an agreed common fishery zone in these waters would involve a regime of common user of land territory of the islets and rocks, since the Articles relied on refer to fishery only to any kind of user of land territory.”

26) “ ”, , 1998.  
10. 21. p.21.

27) 1999. p.24  
“ - ”, 1998.  
1, 6 ,

가

,

”

.

-

,

.28)

가

15

15 “

”

15

. ,

,

15

.29)

15

EEZ

.

,

,

.

가

,

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28)

, 「

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“

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」,

6 ,

」,

, 1999. p.26

”, 「

, 1998.

29)

, 「

p.15.

」,

, 1999. 1,

,  
.

2.

가

.

.

9

1

12

,

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가

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I-2-

“

...

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”

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‘

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-

‘

,

.

‘

,

가

가 , 가 ‘ ,  
가 ,  
가 .

(prescriptive jurisdiction)  
(enforcement jurisdiction)  
가 .

9 2 I-3-

“ ,  
” ,  
‘ ,  
‘ , .

‘ ’가 ‘ ,  
(prescriptive jurisdiction)  
.

‘ ,  
I-3-

가  
,  
가 ,

(recommendation) 가

가

30)

가),

31)

( I-2-

3

32)

---

30) , “EEZ ”, 「 1 , 6 1 , 1999, p.20.

31) , “TAC 가

32) , “ ”, p.20. ”, 「 .

가 」 , 1999. 10. 23, p.9.

， I-2- ‘  
，  
，  
I-2  
가  
가  
가  
I-2 I-3  
가  
가  
，  
33)  
27  
가  
27  
가

---

33) ， “ ”， ， 1999. 10.  
22, p.2.





[illegible]

---

## 第 7 章 東海 中間水域      資源保存      管理

1.

I      2

I      2      가      “

”



White Zone, Gray Zone

.

Gray Zone

.

가

White Zone

Gray Zone, White Zone

Gray Zone

가

가

가

Gray Zone

가

White

Zone

.

.

가

가

,

.

,

가

.36)

가

가

.

.

가

EEZ

가

.

1977

, 1978

.

Gray Zone

가

.

White Zone

가

.

,

36)

.

1988

가

가

가

EEZ

EEZ

가

---

第 8 章 結 論

EEZ  
1/3  
74 3  
가  
가  
가  
가  
Gray Zone  
Gray Zone  
White Zone  
White Zone  
EEZ  
EEZ

,

가

.



- 
- \_\_\_\_\_, “*\_\_\_\_\_*”,  
\_\_\_\_\_, 1998. 10. 21.
- \_\_\_\_\_, 「*\_\_\_\_\_*」, 1998. 9. 26 5 \_\_\_\_\_.
- \_\_\_\_\_, “*\_\_\_\_\_*”,  
\_\_\_\_\_, 「*\_\_\_\_\_*」,  
\_\_\_\_\_, 1999. 10. 23.
- \_\_\_\_\_, “EEZ \_\_\_\_\_”, 「*\_\_\_\_\_*」, 6 1, 1999.
- \_\_\_\_\_, 「*\_\_\_\_\_*」, \_\_\_\_\_, 1999.
- \_\_\_\_\_, “*\_\_\_\_\_*”,  
\_\_\_\_\_, \_\_\_\_\_.
- \_\_\_\_\_, 「*\_\_\_\_\_*」, 1996.
- \_\_\_\_\_, 「*\_\_\_\_\_*」, 1997.
- 坂元茂樹, “新韓日漁業協定 意味”, 「*\_\_\_\_\_*」, 6 1, 1999.
- 日本「水産經濟新聞」, 1998. 9. 30 1 2 \_\_\_\_\_.
- Alexander Gerara Oude Elferink, *The Law of Maritime Boundary Delimitation :A Case Study of the Russian Federation*, 1994.
- Choon-ho Park, *The Law and Practice Relating to the International Regulation of Fisheries in Asia with Particular Reference to the Korea-Japanese Dispute*, Dissertation for the Degree of Ph.D, University of Edinburgh, 1971.
- \_\_\_\_\_, “Fishing under the Troubled Waters”, *Ocean Development and International Law*, Vol.2. No.2.
- Douglas M. Johnston, *The International Law of Fisheries :A Frameworks for Policy Oriented Inquiries*, Martinus Nijhoff Publishers, 1985.
- Douglas M. Johnston and Mark J. Valencia, *Pacific Ocean Boundary Problems :Status and Solutions*, Martinus Nijhoff Publishers.
- Francisco Orrego Vicuna, *The Exclusive Economic Zone :Regime and Legal Nature under International Law*, Cambridge University Press, 1989.

- James Crawford and Donald R. Rothwell, *The Law of the Sea in the Asian Pacific Region*, Martinus Nijhoff Publishers, 1995.
- Jeanette Greenfield, *China's Practice in the Law of the Sea*, Clarendon Press Oxford.
- Jonathan I. Charney & Lewis M. Alexander, *International Maritime Boundaries*, Martinus Nijhoff Publishers, 1993.
- Jose A. de Yturriaga, *The International Regime of Fisheries*, Martinus Nijhoff Publishers.
- Lagoni, "Interim Measures Pending Delimitation", *American Journal of International Law*, Vol. 78.
- M. Dahmani, *The Fisheries Regime of the Exclusive Economic Zone*, Martinus Nijhoff Publishers.
- Malcolm D. Evans, *Relevant Circumstances and Maritime Delimitation*, Clarendon Press Oxford, 1989.
- Mark J. Valencia, *A Maritime Regime for North-East Asia*, Oxford University Press, 1996.
- Myron H. Nordquist, *United Nations Convention on the Law of the Sea 1982 :A Commentary*, Martinus Nijhoff Publishers.
- Oxman, "The Third United Nations Conference on the Law of the Sea : The Seventh Session(1978)", *American Journal of International Law*, Vol. 73.
- Prosper Weil, *The Law of Maritime Delimitation-Reflections*, 1989.
- William T. Burke, *The New International Law of Fisheries*, Clarendon Press, Oxford, 1993.
- ICJ, 1953 *ICJ Reports*.
- \_\_\_\_\_, "North Sea Continental Shelf Cases", 1969 *ICJ Reports*.
- ICJ Pleading(Aegean Sea Continental Shelf) 69, 70, para. 10, 1976.
- 12 Report of International Arbitration Awards 285, 1956.
- "Reports of the United States Delegation to the Third United Nations Conference on the Law of the Sea", *The Law of the Sea Institute Occasional Paper*, No. 33.
- United Nations Conference on the Law of the Sea, Official Records of the First Session, UN Doc. A/Conf. 39/11 para. 26, 1968.

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1. 1976 / 51

2. 1977 / 56

3. 1998 / 61

## 1. 1976

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION OF  
SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE  
KINGDOM OF NORWAY CONCERNING MUTUAL RELATIONS IN THE  
FIELD OF FISHERIES

The Government of the Union of Soviet Socialist Republics and the  
Government of the Kingdom of Norway,

Having regard to their long-standing co-operation in fishery matters  
and their bilateral agreements in that field, and in particular the  
Agreement of 11 April 1975 between the Government of the Union of  
Soviet Socialist Republics and the Government of Norway on  
co-operation in the fishing industry;

Reaffirming their mutual determination to ensure the conservation of  
fish stocks in the waters adjacent to their coasts and to provide for  
the rational management and utilization of those stocks;

Bearing in mind that a substantial proportion of the living resources  
of the Norwegian Sea and the Barents Sea represent a unified  
ecosystem used by fishermen of both countries;

Noting that the exercise of extended fisheries jurisdiction by the  
coastal States of the Atlantic area could result in a transfer of fishing  
efforts to the aforesaid waters, which in turn could adversely affect the  
status of those resources;

Recognizing that, in those circumstances, it is the coastal States of  
the area which have the primary interest in and responsibility for  
finding solutions for the conservation and rational management of  
living resources;

Reaffirming that the extension of the jurisdiction of the coastal  
States over the living resources in the waters adjacent to their coasts

and the exercise in those waters of sovereign rights for the purpose of the exploration, utilization, conservation and management of such resources shall take place in accordance with and in application of the relevant principles of international law;

Having regard to the work of the Third United Nations Conference on the Law of the Sea;

Noting that the Norwegian Government has introduced draft legislation to extend Norway's fisheries jurisdiction to cover a zone of 200 nautical miles;

Wishing to promote the orderly development of the Law of the Sea and to establish rules and conditions for the conduct of their mutual relations in the field of fisheries;

Have agreed as follows:

Article 1. Each Contracting party shall, in accordance with the provisions stipulated below, give the fishing vessels of the other Contracting Party access to fishery resources in the area beyond the limit of 12 nautical miles measured from applicable baselines in which it is engaged in the management of stocks of fish and other living resources, including their conservation, and the regulation of fishing.

Article 2. Within the area specified in article 1 of this Agreement, each Contracting Party shall each year establish, in an appropriate manner and subject to adjustments as may be necessitated by unforeseen circumstances:

(a) The total allowable catch for individual species or combinations of species, taking account of the interdependence of stocks, the recommendations of competent international organizations and other relevant factors;

(b) After consultations, either within the Mixed Commission established by the Agreement of 11 April 1975 between the Government of the USSR and the Government of Norway on co-operation in the fishing industry or through other channels, quotas for the fishing vessels of the other Contracting Party, taking account of the need for rational management of living resources and methods, the traditional catch levels of the other Contracting Party as well as other relevant factors;

(c) Other regulatory measures for fishing designed to conserve fish stocks and maintaining them at levels which can produce the maximum sustainable yields, such measures to be based on the best available scientific data.

Article 3. The competent authorities of each Contracting Party shall notify the competent authorities of the other Contracting Party of the name, registration number and other relevant particulars, as well as the name of the master, of all the fishing vessels which will be engaged in fishing within the area specified in article 1 of this Agreement under the quotas apportioned in accordance with the provisions of article 2 (b). Such information shall also be provided in respect of each fishing support or supply vessel specifically accompanying such fishing vessels. Upon receipt of such information, each Contracting Party shall, in accordance with its legislation, issue any necessary permits to enable the other Contracting Party to utilize the allocated quotas.

Article 4. 1. Fishing vessels belonging to one Contracting Party, shall when fishing within the area of the other Contracting Party referred to in article 1 of this Agreement, comply with the conservation measures, laws and regulations as well as other rules and conditions concerning fishing, established by that Contracting Party.

2. The Contracting Parties shall co-operate in the manner indicated in Article 2 (b) with a view to ensuring the harmonization of any new measure for the regulation of fishing in the areas specified in article 1 of this agreement, in so far as practically feasible.

3. In the event of the adoption of any new laws, regulations, rules or conditions, due notice thereof shall be given in advance.

Article 5. 1. Each Contracting Party shall ensure that its nationals and vessels comply with the provisions of this Agreement and with other regulations concerning fishing.

2. Each Contracting Party may take, within its area as referred to in article 1 of this Agreement and in accordance with international law, such measures as may be deemed necessary to secure the observance by the vessels of the other Contracting Party of the provisions of this Agreement.

Article 6. The two Contracting Parties recognize that the States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks and agree that fishing for anadromous stocks of fish may not take action beyond the limits of the areas specified in article 1 of this Agreement. The two Contracting Parties agree to implement these principles in bilateral agreements and to continue to co-operate with a view to concluding multilateral agreements reflecting that position.

Article 7. In accordance with the Agreement of 11 April 1975 between the Government of the USSR and the Government of Norway on co-operation in the fishing industry, the Contracting Parties undertake to co-operate directly and through appropriate international organizations to ensure responsible management and conservation of

the living resources of the sea, particularly in respect of :

(a) Stocks of fish and other living resources occurring within the areas specified in article 1 of this Agreement,

(b) Such stocks as occur in areas of the high seas situated beyond the limits of the areas specified in article 1 of this Agreement and adjacent to them, and

(c) Other stocks having a relation of mutual dependence with the stocks referred to in subparagraphs (a) and (b).

Article 8. This Agreement shall not affect any other agreements in existence between the two Governments or any existing multilateral conventions to which the two Governments are parties. Nor shall it prejudice the views of either Contracting Party on matters relating to the Law of the Sea.

Article 9. This Agreement is subject to ratification, approval or adoption and shall enter into force on the date of the exchange of the instruments of ratification, approval or adoption, which shall take place at Oslo as soon as possible.

This Agreement is concluded for an initial term of 10 years from the date of the exchange. Unless notice of denunciation is given by one Contracting Party at least 12 months before the expiry of such 10-year term, the Agreement shall remain in force for further successive six-year terms, unless denounced at least 12 months before the expiry of the current six-year term.

Done at Moscow on 15 October 1976, in duplicate in the Russian and Norwegian languages, both texts being equally authentic.

For the Union of the Soviet  
Socialist Republics :

For the Government  
of the Kingdom of Norway :



## 2. 1977

## THE AGREEMENT ON THE MUTUAL RELATIONS IN THE FIELD OF FISHERIES BETWEEN THE GOVERNMENT OF THE UNION OF THE SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE KINGDOM OF SWEDEN

The Government of the Union of the Soviet Socialist Republics and the Government of the Kingdom of Sweden,

Noting the long-term cooperation in the field of fisheries within the framework of the respective international organizations;

Confirming once again the mutual desire to facilitate conservation of fish stocks in the waters of the Convention on the Fisheries and Conservation of the living resources in the Baltic Sea and the Belts signed on September 13, 1973 and the more rational management of these stocks and their exploitation;

Taking into account interdependency of certain fishery stocks of the Baltic Sea, being exploited by the fishermen of both countries;

Confirming that expansion of the sovereign rights of the coastal states in the field of fisheries and exercise of the sovereign rights should be conducted according to the relevant principles of the international law;

Taking into account the work of the 3rd UN Conference on the Law of the Sea and desire to promote the orderly development of the International Law of the Sea in accordance with which the mutual relations in the field of fisheries will be implemented;

Noting the decision of the Swedish Government to expand its jurisdiction in the field of fisheries in the sea zones adjacent to the coast of Sweden from January 1, 1978;

Recognizing traditional fishing operations of the USSR in the

abovementioned zones and desirous to draw to minimum, at present and in future, the negative consequences for such fishing operations resulting from implementation of the jurisdiction of Sweden in the field of fisheries in these zones;

Taking in to account Swedish fishing operations in the waters which could be included into the zone under the USSR jurisdiction in the field of fisheries;

Have agreed as follows:

#### ARTICLE 1

The Contracting Party which will exercise its sovereign rights in the field of fisheries in the zone beyond 12 sea miles from the initial lines, should give the right of conduct of fishing operations to fishing vessels of the other Contracting Party according to the provisions of this Agreement.

#### ARTICLE 2

Within the fishing zone specified in the Article 1 of this Agreement, each of the Contracting Parties determines annually, subject to adjustment when necessary to meet unforeseen circumstances;

(a) the total allowable catch for individual stocks or group of stocks, taking into account their interdependency, recommendations of the International Commission on Fisheries in the Baltic Sea and other relevant factors;

(b) the allocation for fishing vessels of the other Contracting Party and available fishing zones after consultations between the representatives of both Governments, taking into account the necessity of rational management of living resources as well as other relevant factors acknowledged by the international law.

### ARTICLE 3

Appropriate authorities of each of the Contracting Parties should notify appropriate authorities of the other Contracting Party of the name and registration number of a vessel, catching instruments and other related characteristics, as well as the name of the captain of each fishing vessel which is going to operate within the fishing zone, specified in Article 1 of this Agreement, according to the total allowable catch allocated in accordance with the provisions of Article 2(b). Such notification should be also sent in respect to any other auxiliary or supply vessel, specially convoying such fishing vessels. After being notified, appropriate authorities of each of the Contracting Parties issue licenses, basing on their own laws, for the purpose that the other Contracting Party could consume the allocated quotas.

### ARTICLE 4

1. Fishing vessels of one of the Contracting Parties, while operating within the fishing zone of the other Contracting Party, specified in Article 1 of the present Agreement, should take the necessary measures on conservation of stocks and comply with laws and regulations related to the fisheries defined by this Contracting Party. Such vessels should have on their board fishing logs in the form agreed with the appropriate authorities of the other Contracting Party, report about entrance and withdrawal from the fishing zone and implement other terms and conditions related to the fisheries and inform about catch which will be determined by appropriate authorities of this Contracting Party.

2. Each of the Contracting Parties facilitate fulfillment by their fishing vessels and their crewmen of the requirements, envisaged by item 1 of this Article, while operating in the fishing zone under jurisdiction in the field of fisheries of the other Contracting Party.

3. In the event of adoption of new laws, regulations and conditions which are important for fishing operations, each of the Contracting Parties gives timely notice to the other Contracting Party.

4. Each of the Contracting Parties, within its fishing zone specified in the Article 1 of this Agreement, can undertake such measures, in accordance with the international law, which can turn to be necessary to ensure observance of provisions of this Agreement by fishing vessels of the other Contracting Party.

#### ARTICLE 5

Contracting Parties are to cooperate in the fields of conservation, rational utilization and reproduction of anadromous species of fish both in the fishing zones, specified in Article 1 of this Agreement and in other zones of the Baltic Sea.

#### ARTICLE 6

Taking into account the provisions of this Agreement both Contracting Parties are to cooperate directly or through respective international organizations with the purpose to promote proper management of sea living resources and their conservation, especially with respect to:

- a) stocks of fish and other living resources within the zones specified in Article 1 of this Agreement;
- b) other fish stocks which are of interest for both sides.

#### ARTICLE 7

This Agreement shall not be deemed to affect other already signed agreements between the Contracting Parties or current multilateral international conventions of which they are the members. This Agreement shall not be deemed to affect any of the Contracting Parties' opinion in terms of the Law of the Sea as well.

## ARTICLE 8

This Agreement will be applied from January 1, 1978 and shall fully enter into force on a date of an exchange of notes, upon completion of the internal procedures of legislation of both sides.

This Agreement shall remain in force for a period of 10 years. Unless either of the Parties gives written notice to the other to terminate the Agreement at least 12 months before the expiration date, it will continue in force during another 6 year's period under the conditions that written notification on termination of the Agreement should be sent at least 12 months until expiration of every 6 year's period.

DONE in Stockholm, this 22d day of December 1977, in two copies, each in Russian and Swedish, both texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNION OF THE SOVIET  
SOCIALIST REPUBLICS

FOR THE GOVERNMENT  
OF THE KINGDOM OF  
SWEDEN

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暫定協定 法的 性格 中間水域 運用問題 研究

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