

ノ言論ヲ為ササルカ如キハ其ノ顯著ナル一例ニ非ルカト認
メラル

政府党反対ニシテ親蘇派ノ首領「ロマン・ドウモフスキ
ー」ト關係アル「ガゼタ・ワルシャフスカ」紙ノ如キハ七
月十六日「波蘭ト蘇連邦」ナル社説ヲ掲ケ波蘭ノ對外關係
ニ於テ最モ脅威ヲ感スルハ独逸ナリ蘇連邦ハ現今主力ヲ亞
細亞諸國ニ集中シ西部國境ニ於テハ平和政策ヲ執リ居レル

ヲ以テ波蘭トシテモ東方諸國ニ對シ平和親善ノ態度ニ出ス
ヘキナリ云々ノ主張ヲ言唱セリ

抑モ對蘇問題ハ波蘭ニ執リ死活問題トモ云フヘキ重大性ヲ
有スルハ勿論ニシテ今後ノ推移ハ逆睹シ難キモ当面ノ形勢
トシテ右不取敢何等御參考迄報告ス

付録 日ソ漁業條約および付屬文書

日本國「ソヴェエト」社會主義共和 國聯邦間漁業條約

(正 文 英 文)

(昭和三年一月二十三日「モスコ」市ニ於テ調印)
(同 年五月二十三日東京ニ於テ批准書交換)

日本國皇帝陛下及「ソヴェエト」社會主義共和國聯邦中央執行委員會ハ千九百二十五年一月二十日北京ニ於テ締結セラレタル日本國及「ソヴェエト」社會主義共和國聯邦間ノ關係ヲ律スル基本的法則ニ關スル條約第三條ノ規定ニ從ヒ漁業條約ヲ締結スル爲左ノ如ク各其ノ全權委員ヲ任命セリ

日本國皇帝陛下

「ソヴェエト」社會主義共和國聯邦駐劄特命全權大使正四位勳一等田中都吉

「ソヴェエト」社會主義共和國聯邦中央執行委員會

「ソヴェエト」社會主義共和國聯邦外務人民委員代理「レフ、ミハイロヴィチ、カラハン」及

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

*Signed at Moscow, in English, January 23, 1928 (3rd year of
Shawu).*

Ratifications exchanged at Tokyo, May 23, 1928.

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

His Majesty the Emperor of Japan:

Tokichi Tanaka, Ambassador Extraordinary and Plenipotentiary to the Union of Soviet Socialist Republics, Joshi, a member of the First Class of the Imperial Order of the Sacred Treasure;
The Central Executive Committee of the Union of Soviet Socialist Republics:

Ley Mikhailovich Karakhan, People's Deputy Commissary for Foreign Affairs of the Union of Soviet Socialist Republics, and

露西亞社會主義聯合「ソヴェエト」共和國農務人民委員會
參與會員「マルチン、イヴァノヴィチ、ラツィス」

因テ各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ諸條ヲ協定セリ

第一條

「ソヴェエト」社會主義共和國聯邦ハ河川及入江ヲ除キ日本海、「オホーシツク」海及「ペーリニング」海ニ於ケル「ソヴェエト」社會主義共和國聯邦ノ屬地ノ沿岸ニ於テ臘豚獸及臘虎ヲ除キタル一切ノ種類ノ魚類及水產物ヲ捕獲シ、採取シ及加工スルノ權利ヲ本條約ノ規定ニ從ヒ日本國臣民ニ許與ス右例外ニ含マルル入江ハ本條約附屬議定書(甲)第一條ニ之ヲ列舉ス

第二條

日本國臣民ハ魚類及水產物ノ捕獲、採取及加工ノ目的ヲ以テ特ニ指定セラレタル海上及陸地ニ互ル漁區ニ於テ之ニ從事スルコト自由タルベシ右漁區ノ貸付ハ競賣ニ依リテ之ヲ爲シ日本國臣民ト「ソヴェエト」社會主義共和國聯邦人民トノ間ニ何等ノ差別ヲ設クルコトナカルヘシ

尤モ前項ニ對スル例外トシテ兩締約國政府ノ合意アリタル漁區ハ競賣ニ依ラズシテ之ヲ貸付スルコトヲ得ルモノトス

漁區ノ競賣ハ毎年二月「ヴラヂヅィストック」ニ於テ行ハルベク又之ガ爲指定セラレタル日及場所竝ニ賣却セラルベキ各種ノ漁區ノ貸付ニ關スル必要ナル細目ハ競賣ノ少クトモ二月前ニ於テ「ヴラヂヅィストック」駐在日本國領事官ニ正式ニ通告セラルベシ

競落者ナキ漁區ニ付テハ該漁區ハ前回ノ競賣後十五日以内ニ且五日ヨリ早カラズシテ再ビ競賣ニ付セラルベシ

鯨及鰮竝ニ特定ノ漁區内ニ於テ捕獲シ又ハ採取スルコト能ハザル一切ノ魚類及水產物ノ捕獲ハ特別ノ免許狀ヲ具フル航海船ニ搭乗セル日本國臣民ニ許サルベシ

第三條

本條約第二條ノ規定ニ從ヒ漁區ノ貸付ヲ受ケタル日本國臣民ハ該漁區ノ限界内ニ於テ岸地ヲ自由ニ使用スルノ權利ヲ有スベシ右日本國臣民ハ該岸地ニ於テ自己ノ漁船及漁網ニ必要ナル修繕ヲ行ヒ、之ヲ岸ニ引上ゲ竝ニ自己ノ捕獲物及採集物ヲ陸揚シ、

Martin Ivanovich Laci, a member of the Collegium of the People's Commissariat for Agriculture of the Russian Socialist Federative Soviet Republic;

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

ARTICLE I.

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

ARTICLE II.

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

subjects and citizens of the Union of Soviet Socialist Republics.

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

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

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

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

ARTICLE III.

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

加工シ及貯藏スルコトヲ得ベク又之ガ爲該岸地ニ建物、倉庫、小屋及乾燥場ヲ建テ又ハ之ヲ移轉スルコト自由タルベシ

第四條

漁業ニ關シテ徵セラルベキ税金、課金及手数料ニ付テハ日本國臣民ハ左ノ條件ニ從フベク又如何ナル場合ニ於テモ「ソヴェエト」社會主義共和國聯邦ノ人民ニ與ヘラルル所ニ比シ不利益ナル待遇ヲ受クルコトナカルベシ

- (一) 漁業權ヲ有スル日本國臣民ニ課セラルベキ營業稅ノ額ハ右日本國臣民ガ捕獲シ、採取シ又ハ加工シタル魚類及水產物ノ漁場ニ於ケル價格ノ百分ノ三ヲ超ユルコトナカルベシ
- (二) 右日本國臣民ハ營業稅竝ニ本條約附屬議定書^(甲)第九條ニ掲グル税金、課金及手数料ヲ除クノ外一切ノ種類ノ税金、課金及手数料ヲ免除セラルベシ
- (三) 營業稅竝ニ他ノ税金、課金及手数料ノ支拂ハ兩政府間ノ特別取極ニ依リ之ヲ處理スルコトヲ得
- (四) 日本國ニ住所ヲ有シ且日本國臣民ニ貸付セラレタル漁場

ニ於テ季節的勞働ニ從事スル日本人タル被使用者ノ所得ニ對シテハ何等ノ税金又ハ課金ヲ徵スルコトナカルベシ

第五條

「ソヴェエト」社會主義共和國聯邦ハ「ソヴェエト」社會主義共和國聯邦ノ極東水域ニ於テ捕獲セラレ又ハ採取セラレタル魚類及水產物ニ對シテハ該魚類及水產物ガ製造工程ヲ經タルト否トニ拘ラズ「ソヴェエト」社會主義共和國聯邦ヨリ日本國ニ輸出セララルベキモノナルトキハ何等ノ税金ヲ徵スルコトナカルベシ

第六條

本條約第一條ニ特定セラルル地方ニ於テ魚類及水產物ノ捕獲、採取及加工ニ從事スル日本國臣民ノ被使用者ノ國籍ニ付テハ何等ノ制限ヲ設クルコトナカルベシ

第七條

魚類及水產物ノ加工方法ニ付テハ「ソヴェエト」社會主義共和國聯邦ハ本條約第一條ニ特定セラルル地方ニ於テ漁業權ヲ取得シタル日本國臣民ニ對シテハ該地方ニ於テ漁業權ヲ取得シタル「ソヴェエト」社會主義共和國聯邦人民ガ免除セラルル何レノ制限ヲモ加ヘザルコトヲ約ス

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

ARTICLE IV.

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

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

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

ARTICLE V.

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

ARTICLE VI.

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

ARTICLE VII.

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

第八條

漁業權ヲ取得シタル日本國臣民ハ「ソヴェエト」社會主義共和國聯邦ノ權限アル領事官ガ日本國ニ於テ發給シタル航海證書及日本國官憲ガ發給シタル健全證書ヲ具フル航海船ヲ日本國ヨリ自己ノ漁場ヘ、自己ノ一ノ漁場ヨリ他ノ漁場ヘ及自己ノ漁場ヨリ日本國ヘノ直航ノ用ニ供スルコトヲ得又右船舶ハ搭載セル魚類及水産物ニシテ「ソヴェエト」社會主義共和國聯邦ノ極東水域ニ於テ捕獲セラレ又ハ採取セラレタルモノノ第三國ヘノ輸出ニ要スル手續ニ從フニ於テハ漁場ヨリ直接右第三國ヘ航行スルコトヲ得

前記船舶ハ漁業ニ必要ナル人及物件竝ニ捕獲物及採集物ヲ課金及税金ヲ徴セララルコトナク運搬スルコト自由タルベシ

漁業權ヲ取得シタル日本國臣民ハ自己ノ漁區又ハ本條約第二條末項ニ掲グル免許狀ヲ具フル船舶ノ間ニ於テ前記ノ人、物件、捕獲物及採集物ヲ陸上岸ニ沿ヒ又ハ海上漁船ニ搭載シテ課金及税金ヲ徴セララルコトナク運搬スルコトヲ得

本條ノ規定ハ各自別別ノ漁區又ハ免許狀ヲ有スル者ガ共同シテ一ノ船舶又ハ漁船ヲ使用スル場合ニモ均シク適用セラルベシ

本條ノ規定ハ貸付期間ノ滿了シタル漁區内ニ在ル殘留財産ノ他ノ漁區又ハ日本國ヘノ移轉ニ適用セラルベシ

前記ノ船舶及漁船ハ他ノ一切ノ點ニ付テハ沿岸貿易ニ關シ制定セラレ又ハ制定セララルコトアルベキ「ソヴェエト」社會主義共和國聯邦ノ法令ニ從フベシ

第九條

漁業權ヲ取得シタル日本國臣民ハ日本國臣民ガ捕獲シ又ハ採取シタル魚類及水産物ヲ何等ノ輸出免許ヲ要セズシテ日本國ニ自由ニ輸出スルコトヲ得又右日本國臣民ハ右魚類及水産物ヲ之ガ輸出ニ要スル手續ニ從ヒ第三國ニ輸出スルコトヲ得

「ソヴェエト」社會主義共和國聯邦ノ國營若ハ他ノ企業又ハ人民ヨリ購入シタル魚類及水産物ノ輸出ニ付テハ右日本國臣民ハ之ガ輸出ニ要スル手續ニ從フベシ

Republics who have obtained fishery rights in the said districts are exempt.

ARTICLE VIII.

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

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

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

the licence mentioned in the last paragraph of Article II of the present Convention.

The provisions of the present Article shall equally apply to the case when the respective holders of separate fishery lots or licences make use of a vessel or a boat jointly.

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

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

ARTICLE IX.

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

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

右日本國臣民ハ専ラ自己ノ漁業ノ爲及自己又ハ自己ノ被使用者ノ爲ニ使用スルコトヲ目的トスル必需品ヲ何等ノ輸入免許ヲ要セズシテ輸入スルコト自由タルベシ

前記貨物ノ輸入ニ對シテハ何等ノ税金及課金ヲ徵スルコトナカルベシ右貨物及其ノ數量ハ毎年適當ナル時期ニ於テ權限アル地方官憲ガ「ソヴエト」社會主義共和國聯邦ノ中央官憲ノ承認ヲ經テ作成スベキ品目表中ニ明記セラルベシ

第十條

漁業權ヲ取得シタル日本國臣民及其ノ被使用者ニシテ「ソヴィエト」社會主義共和國聯邦人民ニ非ザルモノノ入國、滞在、移轉及出國ニ關シテハ「ソヴィエト」社會主義共和國聯邦ノ官憲ニ依リ制定セラレ又ハ制定セラルルコトアルベキ簡易規則ヲ本條約第一條ニ特定セラルル地方ニ適用スベシ他ノ一切ノ場合ニ於テハ日本國臣民ハ外國人ノ「ソヴエト」社會主義共和國聯邦ノ入國、之ニ於ケル滞在及之ヨリノ出國ニ關シ制定セラレ又ハ制定セラルルコトアルベキ法令及規則ニ從フベシ

前記地方ニ於テ漁業權ヲ取得シタル日本臣民及「ソヴィエト」社會主義共和國聯邦人民ハ魚類ノ養殖、魚類及水產物ノ保護、之ニ密接ノ關係アル産業ノ取締竝ニ漁業ニ關スル他ノ一切ノ事項

ニ關シ制定セラレ又ハ制定セラルルコトアルベキ法律、規則及命令ニ付均等ノ地歩ニ置カルベシ

「ソヴィエト」社會主義共和國聯邦ノ極東水域ニ於ケル漁業ニ適用セラルベキ法律及規則ニシテ新ニ制定セラレタルモノハ之ガ施行ノ少クトモ三月前ニ日本國政府ニ通知セラルベク「ソヴィエト」社會主義共和國聯邦ノ地方官憲ニ依リ新ニ發セラレタル右ト同一性質ノ命令ハ之ガ施行ノ少クトモ二月前ニ「ハバロフスク」駐在日本國領事官ニ通知セラルベシ

第十一條

日本國臣民ハ本條約第一條ニ特定セラルル地方ノ限界外ニ在ル自己借受ノ陸上地區ニ於テ魚類及水產物ノ加工ニ從事スルコト自由タルベシ但シ制定セラレ又ハ制定セラルルコトアルベキ法律、規則及命令ニシテ「ソヴィエト」社會主義共和國聯邦内ノ一切ノ外國人ニ適用セラルベキモノニ常ニ從フベシ

第十二條

日本國政府ハ「ソヴィエト」社會主義共和國聯邦政府ガ本條約ニ

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

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

ARTICLE X.

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

The Japanese subjects and the citizens of the Union of Soviet Socialist Republics who have obtained fishery rights in the districts above-mentioned shall be placed on

a footing of equality as regards the laws, regulations and ordinances which are or may be enacted concerning pisciculture and the protection of fish and aquatic products, the control of industry germane thereto and all other matters relating to fisheries.

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

ARTICLE XI.

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

ARTICLE XII.

The Japanese Government, in consideration of fishery

依リ日本國臣民ニ漁業權ヲ許與シタルコトニ鑑ミ「ソヴェエト」社會主義共和國聯邦ノ極東水域ニ於テ捕獲セラレ又ハ採取セラレタル魚類及水産物ニ對シテ該魚類及水産物が製造工程ヲ經タルト否トニ拘ラズ何等ノ輸入税ヲ課セザルコトヲ約ス

第十三條

日本人タル被使用者ハ日本國ニ居住シ、日本國ニ於テ雇傭セラレ及季節的漁業ノ労働ニ從ヒタル後日本國ニ歸還スルモノナルコト、其ノ慣行及習俗ハ日本人ニ特有ノモノナルコト、日本國及漁場間ノ無償往復竝ニ全雇傭期間中ノ無料給食ヲ許與セラルコト、正規ノ賃銀以外ニ捕獲物及採集物ノ配當ヲ與ヘシラルコト竝ニ醫療及他ノ救恤手段ノ無料施設アルコトヲ認ムルニ因リ「ソヴェエト」社會主義共和國聯邦ハ制定セラレ又ハ制定セラルコトアルベキ労働ノ保護及規律ニ關スル其ノ法令及規則ヲ本條約ノ規定ニ依リ日本國臣民ニ貸付セラレタル漁場ニ於ケル日本人タル被使用者ノ労働ニ適用スルニ當リ前記事實ニ適合セシムルコトヲ約ス

第十四條

本條約ニ於テ特ニ規定セラレザルモ本條約第一條ニ特定セラルル地方ニ於ケル漁業ニ關スル事項ニ付テハ日本國臣民ハ右地方ニ於テ漁業權ヲ取得シタル「ソヴェエト」社會主義共和國聯邦人民ニ與ヘラルル所ト同一ノ待遇ヲ受クルノ權利ヲ有スベシ

第十五條

本條約ハ八年間引續キ效力ヲ有スベク且右期間ノ終ニ於テ修正又ハ更新セララルベク爾後本條約ハ每十二年ノ終ニ於テ修正又ハ更新セララルベシ

締約國ノ一方ハ本條約ノ終了ノ十二月前ニ於テ本條約ヲ修正スルノ希望ヲ他方ニ通告スルコトヲ得右修正ノ爲ノ商議ハ右十二月以内ニ結了セララルベシ

締約國ノ何レモ右修正ノ爲ノ通告ヲ爲サザルトキハ本條約ハ更ニ十二年間引續キ效力ヲ有スベシ

第十六條

本條約ハ批准セラルベク又其ノ批准書ハ成ルベク速ニ且如何ナル場合ニ於テモ之ガ署名後四月ヨリ後ルルコトナク東京ニ於テ

rights accorded by the Union of Soviet Socialist Republics to Japanese subjects in virtue of the present Convention, engages not to impose any import duties on fish and aquatic products caught or taken in the Far Eastern waters of the Union of Soviet Socialist Republics, whether such fish and aquatic products have or have not undergone any process of manufacture.

ARTICLE XIII.

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

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

ARTICLE XIV.

So far as concerns matters not specially dealt with in the present Convention, but yet relating to the fishing industry in the districts specified in Article I of the present Convention, Japanese subjects shall be entitled to the same treatment as accorded to the citizens of the Union of Soviet Socialist Republics who have obtained fishery rights in the said districts.

ARTICLE XV.

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

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

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

ARTICLE XVI.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokyo at as

交換セラルベシ

本條約ハ其ノ批准書交換ノ日ノ後五日目ヨリ實施セラルベシ

右證據トシテ各全權委員ハ英吉利語ヲ以テセル本條約ニ通ニ署名調印セリ

千九百二十八年一月二十三日「モスコ」市ニ於テ之ヲ作成ス

田 中都 吉 (印)
エル、カラハン (印)
エム、ラシマス (印)

議 定 書 (甲)

本日日本國「ソヴィエト」社會主義共和國聯邦間漁業條約ニ署名スルニ當リ兩締約國ノ全權委員ハ左ノ如ク協定セリ

第一條

漁業條約第一條ニ掲ゲラルル例外タル入江ハ左ノ如シ

一 「セント、ローレンス」灣 (「プナウゲン」岬ヨリ「ハルギラフ」岬ニ引キタル直線ニ至ル)

二 「メチグメ」灣
三 「コニヤム」灣 (「ベンケグネイ」灣) (「ネチホノン」岬ヨリ「グラブ、ビーク」ニ引キタル直線ニ至ル)

四 「アボレシフ」灣 (「カラガン」灣)
五 「ルミレート」灣

六 「ブロヴィデンス」灣 (「リソフスキー」岬ヨリ「ルィサヤ、ガラヴァ」ニ引キタル直線ニ至ル)

七 「ホーリー、クロッス」灣 (「メエチケン」岬ノ緯線ニ至ル)

八 「アナデル」灣 (「セント、バジリマス」岬ヨリ「ゲーカ」岬ニ引キタル直線ニ至ル)

九 「セント、バヴラ」灣

十 「シリニューボチナヤ」灣

十一 「デュイレン」湖

十二 「シックス、フィート」湖

十三 「バロン、コルフ」灣ノ北部

十四 「カラガ」灣

十五 「ベチヴィンスカ」灣

十六 「アヴァチア」灣 (「ベズィミヤヌイ」岬ヨリ「ダルニー」岬ニ引キタル直線ニ至ル)

十七 「ベンジンスク」灣 (「ヤメート」岬ノ緯線ニ至ル)

十八 「ミルカチンスキー」灣

十九 「ヤムスカヤ」灣

二十 「アヤン」灣

二十一 「コンスタンチン」太公灣

early a date as possible and in any case not later than four months after its signature.

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

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

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

T. TANAKA (L.S.)
I. KARAKHAN (L.S.)
M. LACIS (L.S.)

PROTOCOL (A).

In proceeding this day to the signature of the Fishery Convention between Japan and the Union of Soviet Socialist Republics, the Plenipotentiaries of the two High Contracting Parties have agreed as follows:

ARTICLE 1.

The inlets which are the object of the exception contained in Article I of the Fishery Convention are as follows:

1. St. Lawrence Bay, up to a straight line drawn from Cape Pnaugun to Cape Khargiakht.

2. Mechigme Bay.
3. Koryam Bay (Penkegunei Bay), up to a straight line drawn from Cape Netchkhonone to Grab Peak.
4. Abolechef Bay (Kalagan Bay).
5. Rounilet Bay.
6. Providence Bay, up to a straight line drawn from Cape Lisovsky to Lysaya Golova.
7. Holy Cross Gulf, up to the parallel of Cape Meetchken.
8. Anadyr Bay, up to a straight line drawn from Cape St. Basilus to Cape Geka.
9. St. Pavla Bay.
10. Shliupochmaya Harbour.
11. Tulen Lake.
12. Six Feet Lake.
13. Northern portion of Baron Korfa Gulf.
14. Karaga Harbour.
15. Bechevinska Bay.
16. Avatcha Bay, up to a straight line drawn from Cape Bezimyanni to Cape Dahn.
17. Gulf of Penjinsk, up to the Parallel of Cape Mamet.
18. Milkachinsky Bay.
19. Ianskaia Bay.
20. Aian Bay.
21. Grand Duke Constantine Bay.

- 「十二」 「セント、ニコラス」 灣（「ラムズドルフ」 岬ヨリ「グロト」 岬ニ引キタル直線ニ至ル）
- 「二十三」 「スチアースチア」 灣
- 「二十四」 「バイカル」 灣（「チャウノ」 岬ヨリ「ヴァイトフタ」 岬ニ引キタル直線ニ至ル）
- 「二十五」 「ヌイスキー」 灣
- 「二十六」 「ナビルスキー」 灣
- 「二十七」 「クレストウツヤ」 灣
- 「二十八」 「スタルカ」 灣
- 「二十九」 「ヴァニナ」 灣（「ウツセリ」 岬ヨリ「フルヌイ」 岬ニ引キタル直線ニ至ル）
- 「三十」 「ソヴエト」 港（「ミリューチナ」 岬ヨリ「プチャチナ」 岬ニ引キタル直線ニ至ル）
- 「三十一」 「テルネ」 灣（「ストラシヌイ」 岬ノ經線ニ至ル）
- 「三十二」 「セント、ヴラヂーミル」 灣（「バリューセク」 岬ヨリ「ヴァトフスカゴ」 岬ニ引キタル直線ニ至ル）
- 「三十三」 「ブレオブラジエーニヤ」 灣ノ北東部ニ在ル小ナル入江（「マトヴェーエヴァ」 岬ノ經線ニ至ル）

右例外ハ公海ニ適用セラレザルベキハ勿論トス

「ポドカゲルナヤ」 河ノ河口ヨリ「マヤン」 灣ニ至ル迄ノ「オホーシツク」 海ノ北岸ニ付テハ前記例外中ニ入ルベキ入江ハ「シンジンスク」 灣（第十七参照）、「ミルカチンスキー」 灣（第十八参照）、「ヤムスカヤ」 灣（第十九参照）及「マヤン」 灣（第二十参照）ヲ除キ左ノ定義ニ從ヒ決定セラルベシ

本土ニ入込メル灣ニシテ其ノ長サ（最深キ水道ニ依リ測リタル）灣口ノ幅ノ三倍ヲ超ユルモノ

右ノ外左ノ灣内ニ於テハ漁業ハ他ノ外國人ニ對スルト同様日本國民民ニ對シ禁止セラルベシ但シ公海ヲ含マザルハ勿論トス

- 一 「デハカストリー」 灣及「フレデリックス」 灣（「カストリー」 岬ヨリ「クロスター、カンブ」 岬ニ引キタル直線及「クロスター、カンブ」 岬ヨリ「オーストール」 岬ニ引キタル直線ニ至ル）
- 二 「セント、オルガ」 灣（「マネフスカゴ」 岬ヨリ「シニコータ」 岬ニ引キタル直線ニ至ル）
- 三 「ピーター」 大帝灣（灣内ニ在ル諸島ヲ包含シ「ハヴロートヌイ」 岬ヨリ「ガモヴ」 岬ニ至ル）
- 四 「ボシエット」 灣（「ガモヴ」 岬ヨリ「プタコフ」 岬ニ至ル）

第二條

河川ト海トノ境界ニ關スル事項ニ付テハ兩政府ハ國際法ノ原則及慣例ニ從フベシ

第三條

漁業條約ニ依リ日本國臣民ニ許與セラレタル黑龍江海灣（「リヤン」）ニ於ケル漁業權ハ左ノ特別規定ニ從フベシ

- 22. St. Nicholas Gulf, up to a straight line drawn from Cape Lamstorf to Cape Groto.
 - 23. Sebastiya Gulf.
 - 24. Baikal Gulf, up to a straight line drawn from Cape Tshauno to Cape Vitovta.
 - 25. Nuskii Gulf.
 - 26. Nabiskii Gulf.
 - 27. Krestovaya Bay.
 - 28. Starka Bay.
 - 29. Vanina Bay, up to a straight line drawn from Cape Vesseli to Cape Burni.
 - 30. Port Soviet, up to a straight line drawn from Cape Milyutina to Cape Putyatina.
 - 31. Terme Bay, up to the meridian of Cape Strashni.
 - 32. St. Vladimir Bay, up to a straight line drawn from Cape Balusek to Cape Vatovskago.
 - 33. Small inlet situated in the north-eastern portion of Preobrazheniya Bay, as far as the meridian of Cape Matveeva.
- It goes without saying that the exception in question shall not apply to high seas.
- As regards the northern coast of the Okhotsk Sea, from the estuary of the Podkagernaya to Aian Bay, with the exception of Penjinsky Gulf (see No. 17), Milkachinsky Bay (see No. 18), Iamskaia Bay (see No. 19) and Aian Bay (see No. 20), the inlets which are to come within

the exception above referred to shall be determined according to the following definition:

Such bays as shall penetrate into the mainland for a distance (measured along the deepest channel) which shall be more than three times the width of the entrance.

Fishing shall, moreover, be barred to Japanese subjects, as to other foreigners, within the following bays not, as a matter of course, including high seas:

- 1. De Castries Bay with Fredericks Bay, up to a straight line drawn from Cape Castries to Cape Kloster Kamp and up to a similar line from Cape Kloster Kamp to Cape Ostri.
- 2. St. Olga Bay, up to a straight line drawn from Cape Manevskago to Cape Shkota.
- 3. Peter the Great Bay, from Cape Povorotni to Cape Gamova, including the islands situated in that bay.
- 4. Posiette Bay, from Cape Gamova to Cape Butakov.

ARTICLE 2.

In matters concerning the boundaries of rivers in relation to the sea, the two Governments shall follow the principles and usages of the law of nations.

ARTICLE 3.

The fishery rights accorded to Japanese subjects in the Liman of the Amur in virtue of the Fishery Conven-

- (一) 日本國臣民ハ「ソヴェエト」社會主義共和國聯邦人民ト同一ノ地歩ニ於テ競賣ニ依リ右地方ニ於テ漁區ヲ取得スルコトヲ得

(二) 漁區ヲ取得シタル日本國臣民ハ漁業ノ關スル限リ一切ノ點ニ付漁區ノ競落者タル「ソヴェエト」社會主義共和國聯邦人民ト均シク黑龍江流域ニ於ケル河川漁業ニ關シ制定セラレ又ハ制定セララルコトアルベキ法律、規則及命令竝ニ殊ニ右地方ニ於ケル漁區借受人ガ外國人タル勞働者ヲ使用スルコトヲ禁止セル規定ニ從フベシ

第四條

日本國臣民ハ漁業條約第一條ニ特定セララル地方ノ何レカノ部分ニ於ケル漁區ノ貸付ノ申請ヲ爲ストキハ右條約第二條ノ規定ニ依リ右貸付ヲ受クルコトヲ得但シ前記地方ニ於ケル魚類ノ養殖及保護、之ニ密接ノ關係アル產業ノ取締竝ニ漁業ニ關スル他ノ一切ノ事項ニ關シ「ソヴェエト」社會主義共和國聯邦ニ於テ制定セラレ又ハ制定セララルコトアルベキ法律、規則及命令ニ從フベシ

捕獲セララル魚種ガ漁區貸付契約中ニ明記セラレザル場合ニ於テハ「ソヴェエト」社會主義共和國聯邦ハ捕獲セララル魚種ノ對シ何等ノ制限ヲ其ノ鮭鱒族ノ保護ニ必要ト爲ラザル限リ課スルコトナカルベシ

第五條

日本國臣民間竝ニ日本國臣民及「ソヴェエト」社會主義共和國聯邦人民間ノ漁業權ノ移轉ニ付テハ「ソヴェエト」社會主義共和國聯邦ノ法令ニ依リ定メラレタル手續ニ從ヒ右移轉ノ申請アリタルトキハ之ガ許可ヲ與フベシ

第六條

漁區ノ貸付期間ハ左ノ如ク之ヲ定ム

漁業條約ノ實施前既ニ開カレタルモ未ダ經營セラレザリシ漁區又ハ實施後初テ開カレタル漁區ニ付テハ一年

一年以上經營セラレタル漁區ニ付テハ三年

三年以上經營セラレタル漁區ニ付テハ五年

漁業條約第二條第二項及同條約附屬文書ノ規定ニ依リ特別貸付

tion are subject to the special provisions which follow :

- (1) Japanese subjects may obtain in this district fishery lots by public auction on the same footing as citizens of the Union of Soviet Socialist Republics.

(2) Japanese subjects who have obtained fishery lots are placed in all respects, so far as the fishing industry is concerned, under the same laws, regulations and ordinances which are or may be enacted respecting river fisheries in the basins of the Amur, as citizens of the Union of Soviet Socialist Republics who are successful bidders for fishery lots, and in particular the provisions which forbid the lessees of fishery lots in this district to employ foreign workmen.

ARTICLE 4.

Japanese subjects may upon making application therefor obtain in accordance with the provisions of Article II of the Fishery Convention the lease of fishery lots in any part of the districts specified in Article I of the said Convention, submitting to the laws, regulations and ordinances which are or may be enacted in the Union of Soviet Socialist Republics, for the culture and protection of fish, for the control of the industry germane thereto, and for all other matters regarding fisheries in the above-mentioned districts.

In case the species of fish to be caught are not defined in the contract for the lease of fishery lots, the Union of Soviet Socialist Republics shall not impose any restrictions on the species of fish to be caught, unless they are rendered necessary for the protection of fish of the salmon tribe.

ARTICLE 5.

As regards the transfer of fishery rights between Japanese subjects as well as between Japanese subjects and citizens of the Union of Soviet Socialist Republics, permission shall be given upon application therefor, in conformity with the formalities prescribed by the laws of the Union of Soviet Socialist Republics.

ARTICLE 6.

The duration of the lease of fishery lots shall be determined as follows :

One year, in the case of lots which have been already opened, but not yet worked, before the coming into force of the Fishery Convention, or of lots opened for the first time since then ;

Three years, in the case of lots which have been worked for not less than one year ;

Five years, in the case of lots which have been worked for not less than three years.

It is understood that the above-mentioned terms may

ヲ許與セラルベキ漁區ニ付テハ前記期間ハ之ヲ變更スルコトヲ得ルモノトス

第七條

漁業條約ノ期間ノ滿了ノ日ニ於テ未ダ期間ノ滿了セザル漁業權ハ漁業條約自體ニ關シ兩締約國ノ爲スベキ決定ノ如何ニ拘ラス右漁業權ノ全存續期間中引續キ有效タルベシ

第八條

漁業條約第一條ニ特定セラルル地方ニ於テ既ニ存在スル漁區ハ漁業條約ノ全存續期間中利用ノ爲開キ置カルベシ

第九條

漁業條約第四條(二)ノ規定ニ關シテハ日本國臣民ハ左ノ税金、課金及手数料ヲ課セラルベシ

(一) 運搬手段(馬、自動車、自轉車、自動自轉車及航海證書ヲ具ヘザル「モーター・ボート」)ニ對スル地方課金

(二) 汽罐、壓力ニ依リ運轉セラルル裝置、昇降機及起重用機械ノ検査證明書ノ手数料

(三) 現ニ都市ニ於テ實施中ナル建物ニ對スル地方課金ガ漁場ノ存在スル地方ニ適用セラルベキ場合ニハ右地方課金

(四) 「ソヴェト」社會主義共和國聯邦ノ中央官憲ニ依リ設ケラレタル印紙税、公證人手数料、裁判手数料竝ニ他ノ同様ノ税金、課金及手数料ニシテ漁區及漁場ノ設備ニ間接ノ關係ヲ有スルモノ竝ニ取引所ニ於テ行ハレ又ハ登録セラレタル取引ニ對シ地方官憲ニ依リ設ケラレタル地方税金

(五) 「ソヴェト」社會主義共和國聯邦ヘノ入國、之ニ於ケル滞在及之ヨリノ出國ニ關スル領事手数料及登録手数料

(六) 文書ノ發給又ハ證明ニ對スル領事手数料又ハ他ノ公ノ手数料
(七) 漁區貸付契約ノ登録手数料

(八) 森林ヨリ賣出サレタル木材ニ對スル課金

(九) 「ソヴェト」社會主義共和國聯邦ニ於ケル消費ノ爲ノ魚類及水産物ノ賣却ヨリ生ズル利益ニ對スル所得税竝ニ右魚類及水産物ニ關スル運搬税

be modified in the case of fishery lots which may be granted for special lease by virtue of the provisions of the second paragraph of Article II of the Fishery Convention and the instruments attached thereto.

ARTICLE 7.

The fishery rights, the terms of which shall not have come to an end at the date of the expiration of the term of the Fishery Convention, shall continue to be valid for the whole duration of their terms, whatever may be the decision come to by the two High Contracting Parties concerning the Fishery Convention itself.

ARTICLE 8.

The fishery lots already existing in the districts specified in Article I of the Fishery Convention shall remain open for exploitation for the whole duration of the Fishery Convention.

ARTICLE 9.

With regard to the provisions of Paragraph (2) of Article IV of the Fishery Convention, Japanese subjects are liable to the following taxes, imposts and fees:

(1) The local imposts on means of conveyance (horses, automobiles, bicycles, motor-cycles, and motor-boats not provided with a navigation certificate).

(2) The fee for inspection certificate for boilers, apparatus worked by pressure, lifts and elevating machines.

(3) The local imposts on buildings, now in practice in towns, when such imposts are to be applied to localities where there are fishery grounds.

(4) The stamp-duties, notarial fees, judicial fees and other similar taxes, imposts and fees, instituted by the central authorities of the Union of Soviet Socialist Republics and having indirect bearing on fishery lots and the equipments of fishery grounds, as well as the local taxes instituted by the local authorities on transactions carried out or registered at an exchange.

(5) The consular fee and the registration fee concerning entry into, stay in, and departure from, the Union of Soviet Socialist Republics.

(6) The consular and other official fees for the issue or certification of documents.

(7) The registration fee for lease contract of fishery lot.

(8) The imposts on timber sold out from forests.

(9) The income-tax on profit accruing from sale of fish and aquatic products for consumption in the Union of Soviet Socialist Republics, as also the transportation tax concerned therewith.

第十條

「ソヴィエト」社會主義共和國聯邦政府ハ一箇又ハ數箇ノ特定ノ第三國ニ關シ之ニ輸出セラルル一般貨物ニ適用セラルベキ税金ヲ變更スル場合ヲ除クノ外「ソヴィエト」社會主義共和國聯邦ノ極東地方ヨリ輸出セラルル魚類及水産物ニ對シテ税金ヲ免除スル現行法規ヲ漁業條約ノ存續期間中維持スルコトヲ約ス

「ソヴィエト」社會主義共和國聯邦政府ハ日本國ニ於テ加工セラレズシテ「ソヴィエト」社會主義共和國聯邦ニ再輸入セラルル魚類及水産物ニ付テハ「ソヴィエト」社會主義共和國聯邦ノ産物又ハ製造品タル再輸入品ニ對シ税金ヲ免除スル自國ノ現行規則ヲ漁業條約ノ存續期間中維持スルコトヲ均シク約ス

第十一條

「ソヴィエト」社會主義共和國聯邦政府ハ日本國臣民ガ鍊及價值少キ他ノ魚種竝ニ魚類及水産物ノ加工ノ際生ズル廢棄物ヨリ肥料ヲ製造スルコトニ對シ何等ノ異議ヲ有セス又「ソヴィエト」社會主義共和國聯邦政府ハ日本國臣民ガ日本式方法ニ依リ鮭鱒族ノ魚類ニ加工シ及之ヲ鹽藏スルコトニ對シ何等ノ異議ヲ有セス

ARTICLE 10.

The Government of the Union of Soviet Socialist Republics engages to maintain, for the duration of the Fishery Convention, its present ruling exempting from duties fish and aquatic products exported from the Far Eastern District of the Union of Soviet Socialist Republics, except in the case when, with regard to a particular third state or states, the duties applicable to goods in general exported thereto are to be altered.

So far as concerns fish and aquatic products re-imported into the Union of Soviet Socialist Republics without having been worked upon in Japan, the Government of the Union of Soviet Socialist Republics engages likewise to maintain, for the duration of the Fishery Convention, its present regulation exempting from duties reimported goods, the produce or manufacture of the Union of Soviet Socialist Republics.

ARTICLE 11.

The Government of the Union of Soviet Socialist Republics has no objection to the making of manure by Japanese subjects from herrings and other species of fish which are of minor value, as well as from refuse produced in the preparation of fish and aquatic products. Nor has the Government of the Union of Soviet Socialist Republics any objection to Japanese subjects preparing

and curing fish of the salmon tribe according to Japanese methods.

第十二條

漁業條約第八條第二項ニ掲グル航海證書ハ左ノ書類ノ提出アリタルドキハ「ソヴィエト」社會主義共和國聯邦ノ領事官ニ依リ發給セラルベシ

- 一 船舶ガ回航セントスル一箇又ハ數箇ノ漁區ノ貸付ヲ證明スル書類
- 二 證明アル在船者名簿ニシテ在船者ノ身分證明ノ書類ヲ添附シタルモノ
- 三 船舶ノ載貨ガ單ニ漁業條約第九條第三項ニ掲グル貨物ノミヨリ成ルコトヲ證明スル書類、右書類ニハ又載貨ノ數量ヲ表示スベシ

航海證書ニハ左ノ事項ヲ表示スベシ

- 一 船名及船籍港名
 - 二 一箇又ハ數箇ノ漁區ノ一人又ハ數人ノ借受人ノ名
 - 三 船舶ガ回航セントスル一箇又ハ數箇ノ漁區ノ明示
 - 四 載貨ノ性質及數量
 - 五 乗組員ノ名
- 前記證書及健全證書ヲ具フル船舶ハ航海證書ニ記載セラレタル

ARTICLE 12.

The navigation certificate mentioned in the first paragraph of Article VIII of the Fishery Convention is to be issued by the Consular officer of the Union of Soviet Socialist Republics on the presentation of:

1. Documents certifying the lease of the fishery lot or lots to which the vessel desires to resort.
2. A certified list of the persons on board with documents of their identification.
3. Documents certifying that the cargo of the vessel consists solely of goods mentioned in the third paragraph of Article IX of the Fishery Convention; in such documents amount of the cargo is also to be indicated.

The following shall be indicated in the navigation certificate:

1. The name of the vessel and her port of registry.
 2. The name of the lease-holder or lease-holders of the fishery lot or lots.
 3. A precise indication of the fishery lot or lots, to which the vessel desires to report.
 4. The nature and amount of the cargo.
 5. The names of the crew.
- Vessels furnished with the above-mentioned certificate

「ソヴィエト」社會主義共和國聯邦ノ沿岸ノ地點ノミニ到リ及留
マルコトヲ得税關ノ存在スル港ハ右船舶ニ對シ常ニ開放セラル
ルハ勿論トス

漁業條約第二條末項ニ依リ「ソヴィエト」社會主義共和國聯邦ノ
極東水域ニ回航スル日本國船舶ハ特ニ指定セラレタル「ソヴィ
エト」社會主義共和國聯邦ノ港ノ一ニ先ヅ到ルベク同港ニ於テ
ハ「ソヴィエト」社會主義共和國聯邦ノ權限ナル官憲ハ右船舶ニ
對シ魚類及水産物ノ捕獲、採取及加工ノ爲ノ特別免許狀ヲ發給
スベシ該免許狀ハ同時ニ航海證書ニ代用セラルベシ該免許狀ハ
又日本國ニ於クル「ソヴィエト」社會主義共和國聯邦ノ領事官ヲ
經テ之ヲ受クルコトヲ得ベク此ノ場合ニ於テハ右船舶ハ前記港
ノ何レニモ航行スルコトヲ要セザルベシ

第十三條

「ソヴィエト」社會主義共和國聯邦政府ハ各別ノ日本國臣民ニ貸
付セラレタル漁場間ニ於ケル日本國漁船（ル、ボロヴヌ、エ、ロ
ドッキ）ノ個個ノ航海ニ對シ何等ノ異議ヲ有セズ發動機ヲ具フ
ル漁船ガ曳船ヲ爲シ又ハ爲サズシテ航海スル場合ニ於テハ「ソ
ヴィエト」社會主義共和國聯邦ノ地方官憲ヨリ許可ヲ受クベシ

第十四條

「ソヴィエト」社會主義共和國聯邦ノ水域内ニ於テ漁業又ハ其ノ
補助的任務ニ従事スル日本國汽船ハ航海日誌ノ露西亞語又ハ英
吉利語ノ翻譯文ヲ具フベシ日本國ノ航海發動機船又ハ航海帆船
ハ成ルベク右規定ニ従フベシ

第十五條

「ソヴィエト」社會主義共和國聯邦政府ハ漁業條約第九條ニ掲ゲ
ル品目表ヲ作成シ及承認スルニ當リテハ日本國臣民ノ漁業ノ實
際ノ必要ガ充分考慮セラルベキコトヲ保障ス

第十六條

漁業ノ何レカノ部門ノ作業ニ適スル日本國臣民ハ總計百人ヲ超
エザル限リ「ソヴィエト」社會主義共和國聯邦ヘノ入國及之ニ於
ケル居住ニ關スル法令及規則ニ従フニ於テハ日本國臣民ニ貸付
セラレタル漁區ニ於テ越年スルノ權利ヲ有スベシ右漁區ニ於ケ
ル越年ニ要スル番人ハ「ソヴィエト」社會主義共和國聯邦人民中
ヨリ之ヲ雇傭スベシ

and a health certificate are authorized to enter and remain
at only those points of the coast of the Union of Soviet
Socialist Republics which are mentioned in the navigation
certificate. It goes without saying that ports where there
is a custom-house are always open to such vessels.

Japanese vessels resorting to the Far Eastern waters
of the Union of Soviet Socialist Republics in virtue of
the last paragraph of Article II of the Fishery Conven-
tion must first put into one of the ports of the Union of
Soviet Socialist Republics specially designated, where the
competent authorities of the Union of Soviet Socialist
Republics shall issue to them a special licence for catch-
ing, taking and preparing fish and aquatic products; the
said licence shall at the same time take the place of a
navigation certificate. The licence may also be obtained
through a Consular officer of the Union of Soviet Socialist
Republics in Japan; in this case the said vessels shall
not be required to proceed to any of the above-mentioned
ports.

ARTICLE 13.

The Government of the Union of Soviet Socialist
Republics has no objection to the individual voyage of
Japanese fishing boats (rybolovnye lodki) between fishery
grounds leased to various Japanese subjects; in the case
of the voyage, with or without boats tugged, of fishing
boats provided with motors, permission shall be obtained

from the local authorities of the Union of Soviet Socialist
Republics.

ARTICLE 14.

Japanese steamers engaged in the fishing industry or
in its auxiliary services, within the waters of the Union
of Soviet Socialist Republics, shall be provided with a
Russian or English translation of the log-book; Japanese
sea-going motor or sailing vessels shall conform to the
said stipulation so far as it is possible.

ARTICLE 15.

The Government of the Union of Soviet Socialist
Republics guarantees that on formulating and approving
the list mentioned in Article IX of the Fishery Conven-
tion, the actual requirements of the fishing industry of
Japanese subjects shall receive fullest consideration.

ARTICLE 16.

Japanese subjects fitted for the work of any branches
of fishing industry and not exceeding one hundred persons
in all, shall have the right to winter in the fishery lots
leased to Japanese subjects, provided they conform to
laws and regulations relating to the entry and residence
in the Union of Soviet Socialist Republics. Watchmen
required for wintering in the said fishery lots shall be

employed from among citizens of the Union of Soviet Socialist Republics.

ARTICLE 17.

For catching and taking the fish and aquatic products which may call for protective measures for their propagation, a standard by which the amount of such catching and taking may be limited shall be determined by the authorities of the Union of Soviet Socialist Republics, by taking as a basis of consideration the actual tendency of their propagation both in the rivers and seas of the Union of Soviet Socialist Republics in the Far East.

The employment of "tateami" shall be authorized in all fishery lots leased to Japanese subjects, except in those lots which are situated in the closest proximity to estuaries; it is also agreed that in the case of the fishery lots last mentioned, the employment of "tateami" shall be authorized in case fishing with movable nets should prove impracticable there. Moreover, in no fishery lots shall any restriction be imposed on the use of winches, escalators, conveyers, capstans, blocks or other instruments, machines and equipments which facilitate the working of fishing industry.

ARTICLE 18.

It is understood that the terms "Japanese subjects" and "citizens of the Union of Soviet Socialist Republics"

第十七條

蕃殖ノ爲保護ノ措置ヲ要スルコトアルベキ魚類及水産物ノ捕獲及採取ニ對シテハ右捕獲及採取ノ數量ヲ限定スルコトアルベキ標準ハ「ソヴィエト」社會主義共和國聯邦ノ官憲ニ依リ極東ニ於ケル「ソヴィエト」社會主義共和國聯邦ノ河海兩方面ニ於ケル右魚類及水産物ノ蕃殖ノ實際ノ傾向ヲ考慮ノ基礎トシテ決定セラルベシ

日本國臣民ニ貸付セラレタル一切ノ漁區ニ於テハ河口ニ最近近セル漁區ヲ除クノ外建網ノ使用ヲ許サルベシ又河口ニ最近近セル漁區ニ付テハ曳網ヲ以テスル漁業ヲ該漁區ニ於テ行ヒ得ザルコト判明シタル場合ニ於テ建網ノ使用ヲ許サルベキコトヲ約ス尙何レノ漁區ニ於テモ「ウインチ」、「エスカレーター」、「コンヴェーヤー」、「キャブスタン」、「ブロック」又ハ漁業ノ作業ヲ容易ナラシムル其ノ他ノ器具、機械及設備ノ使用ニ對シ何等ノ制限ヲ加ヘラルルコトナカルベシ

第十八條

漁業條約及同條約附屬文書中ニ於テ使用セラルル「日本國臣民」及「ソヴィエト」社會主義共和國聯邦人民「ナル語ハ夫々日本國

及「ソヴィエト」社會主義共和國聯邦ノ公私ノ企業ヲ含ミ「ソヴィエト」社會主義共和國聯邦人民「ナル語ハ特別ノ待遇ヲ享クル地方農民及地方漁民ヲ含マザルモノトス又漁業條約第四條及本議定書第九條ニ特ニ規定スル事項ニ付テハ「ソヴィエト」社會主義共和國聯邦ノ國營企業及「コオペラティヴ」組合ハ特別ノ地位ヲ與ヘラルルモノトス

第十九條

「ソヴィエト」社會主義共和國聯邦政府ハ漁業條約ノ存續期間ノ第一年ニ於ケル漁區ノ競賣ノ行ハレタル後何時ニテモ漁業條約第一條ニ特定セラルル地方ノ何レカノ部分ニ在ル漁區ノ貸付ヲ該部分ニ現ニ定住シ又ハ定住スルコトアルベキ地方農民及地方漁民ニ對シ競賣ニ依ラズシテ許與スルコトヲ得右許與ハ漁業條約ノ存續期間中引續キ二年間本議定書第四條ニ掲グル申請ナキ地方又ハ右許與ノ直前引續キ三年ヲ超ユル期間中競買人ナキ漁區ニ付テノミ之ヲ與フルコトヲ得「ソヴィエト」社會主義共和國聯邦政府ハ日本國臣民ノ爲ニ開カレタル極東水域ニ於ケル漁業上ノ活動範圍ヲ右許與ニ依リ縮少セシメザル爲及權限アル官憲ヲシテ日本國臣民ノ新漁區開設ノ希望ニ副ハシムル爲必要ノ措置ヲ執ルベシ

employed in the Fishery Convention and in the instruments attached thereto include public and private enterprises of Japan and the Union of Soviet Socialist Republics respectively, and that the term "citizens of the Union of Soviet Socialist Republics" does not imply local peasants and fishermen enjoying special treatment. It is further understood that, with regard to the matters particularly dealt with in Article IV of the Fishery Convention as well as in Article 9 of the present Protocol, the state enterprises and cooperative societies of the Union of Soviet Socialist Republics are accorded special status.

ARTICLE 19.

At any time after the auction of the fishery lots in the first year of the duration of the Fishery Convention shall have been conducted, the Government of the Union of Soviet Socialist Republics may grant without auction the lease of fishery lots situated in any part of the districts specified in Article I of the Fishery Convention to the local peasants and fishermen who are now established or may happen to establish themselves there; such grant may be given only in respect of those districts where no application mentioned in Article 4 of the present Protocol shall have been made for two successive years in the duration of the Fishery Convention, or of those fishery lots for which there shall have been no bidder at auction for more than three successive years prior to

「ソヴィエト」社會主義共和國聯邦政府ハ地方農民及地方漁民ニ右ノ方法ニ依リ貸付セラレタル漁區ガ引續キ二年間經營セラレザル場合ニ之ヲ競賣ニ付スルコト竝ニ地方農民又ハ地方漁民以外ノ何レカノ者ヘノ右漁區ノ轉貸又ハ移轉ヲ禁ズルコトヲ約ス

地方農民及地方漁民ハ漁業條約第二條ノ規定ニ從ヒ競賣ニ依ル漁區ノ貸付ヲ受クルコト自由タルモ斯ク漁區ノ貸付ヲ受ケタル者ハ本條ニ依リ許與セラレ、轉貸セラレ又ハ移轉セラルル漁區ヲ右ト同時ニ有スルコトヲ得ズ

右地方農民又ハ地方漁民ノ地位ハ勞働者ヲ使用スルコトナク自己ノ生計ノ爲自ラ漁業ニ従事スル者及其ノ家族ニノミ與ヘラルルコトヲ約ス

第二十條

漁業條約及同條約附屬文書中ニ使用セラルル「魚類及水產物」

ナル語ハ鰐鰯獸及鰐虎ヲ除クノ外一切ノ種類ノ魚類、動物、植物及他ノ水產物ヲ謂フモノトス

第二十一條

本議定書ハ本日署名セラレタル漁業條約ノ批准ト共ニ批准セラレタルモノト看做サルベク且該條約ト同一ノ存續期間ヲ有スベシ

右證據トシテ各全權委員ハ英吉利語ヲ以テセル本議定書二通ニ署名調印セリ

千九百二十八年一月二十三日「モスコ」市ニ於テ之ヲ作成ス

田 中 都 吉 (印)
エル、カラハン (印)
エム、ラツイス (印)

議 定 書 (乙)

本日日本國「ソヴィエト」社會主義共和國聯邦間漁業條約ニ署名スルニ當リ兩締約國ノ全權委員ハ左ノ如ク協定セリ

such grant. The Government of the Union of Soviet Socialist Republics shall take necessary measures in order not to contract by such grant the sphere of fishing activities in the Far Eastern waters open for Japanese subjects, and in order to cause the competent authorities to conform to the desire of Japanese subjects for the opening of new fishery lots.

The Government of the Union of Soviet Socialist Republics engages to put up to auction the fishery lots thus leased to the local peasants and fishermen, in case they shall not have been operated for two years in succession, as also to forbid sublease or transfer of such lots to anybody other than local peasants or fishermen.

The local peasants and fishermen are at liberty to obtain the lease of fishery lots by auction in accordance with the provisions of Article II of the Fishery Convention, but those who have so obtained the lease of fishery lots shall not at the same time be in possession of fishery lots granted, subleased or transferred in virtue of the present Article.

It is agreed that the status of the said local peasants or fishermen is accorded only to the persons and their families who engage personally in the fishery for their livelihood without having recourse to the employment of workmen.

ARTICLE 20.

It is understood that the term "fish and aquatic

products" employed in the Fishery Convention and in the instruments attached thereto is to mean all kinds of fish, animals, plants and other aquatic products, except fur-seals and sea-otters.

ARTICLE 21.

The present Protocol is to be considered as ratified with the ratification of the Fishery Convention signed this day and shall have the same duration as that Convention.

In witness whereof the respective Plenipotentiaries have signed the present Protocol in duplicate in the English language and have affixed thereto their seals. Done in the City of Moscow, this 23rd day of January, 1928.

T. TANAKA (L.S.)
L. KARAKHAN (L.S.)
M. LACIS (L.S.)

PROTOCOL (B).

In proceeding this day to the signature of the Fishery Convention between Japan and the Union of Soviet Socialist Republics, the Plenipotentiaries of the two High Contracting Parties have agreed as follows:

漁業條約第十三條ノ規定ニ鑑ミ勞動ノ保護及規律ニ關スル法令及規則ヲ漁業權ヲ有スル日本國臣民及其ノ日本人タル被使用者ニ適用スルニハ左ノ條件ヲ附セラルベシ

(一) 使用者ガ自己ノ被使用者ニ對シ其ノ作業ニ必要ナル被服及他ノ物品竝ニ住居ヲ支給スルコトニ付テハ右被使用者ノ國民的慣行及習俗ガ相當考慮セラルベシ

(二) 基本賃銀ノ額ハ極東地方ノ漁業上ノ慣例ニ從ヒ日本國ノ通貨ヲ以テ且全漁季ニ對シ之ヲ取極ムルコトヲ得被使用者ガ希望スル場合ニ於テハ右基本賃銀ノ一部ハ右被使用者ニ前拂セラルベシ但シ全漁季間ニ對スル右基本賃銀ハ使用者ガ雇傭契約ニ依リ被使用者ノ運送及給食ノ費用ヲ負擔スル場合竝ニ使用者ガ所謂「九一」又ハ同様に慣行ニ依リ其ノ被使用者ニ對シ捕獲物及採集物ノ一定ノ割合ニ相當スル特別給與ヲ與フル場合ト雖モ一月十五圓ニ相當スル額ヲ下ルコトナカルベシ

右規定ハ一方最低賃銀ニ關スル「ソヴィエト」社會主義共和

國聯邦ノ法令竝ニ他方日本國ニ於ケル經濟上及社會上ノ現狀ヲ考量シテ採用セラレタルモノナルニ付右規定ガ不適當ナルニ至レル場合ニ於テハ新事態ニ適應セシムル爲兩政府間ノ合意ニ依リ必要ナル更正ヲ爲シ得ルコトヲ約ス

(三) 漁場ニ於ケル勞動時間ハ原則トシテ一日八時間トスルモ漁業ノ特質ニ鑑ミ且季節的勞動ニ於ケル勞動條件ヲ規定スル「ソヴィエト」社會主義共和國聯邦ノ法令ニ從ヒ使用者ハ全漁季ニ對シテモ勞動時間及賃銀ニ付勞動人民委員部ノ權限アル地方機關ト取極ヲ爲スニ於テハ其ノ被使用者トノ合意ニ依リ之ヲシテ一日八時間ヲ超エ勞動セシムルコトヲ得

尤モ漁撈作業ニ於ケル勞動ニ付テハ漁季中何時タルヲ問ハズ魚類ガ大群ヲ成シテ來ル場合ニ於テ被使用者ノ同意アルトキハ正規ノ時間外、休日及夜間ニ於テ之ヲシテ勞動セシムルコトヲ得ベク之ガ爲勞動人民委員部ノ前記機關トノ何等ノ取極ヲ要スルコトナカルベシ

In consideration of the provisions of Article XIII of the Fishery Convention, the application of laws and regulations regarding the protection and regulation of labour of Japanese subjects having fishery rights and to their Japanese employees, shall be conditioned as follows:

(1) With regard to the supply by the employer to his employees of the clothing and other articles necessary for their work, as well as of dwellings, the national habits and customs of the employees shall receive due consideration.

(2) A basic amount of wages may be arranged in the Japanese currency and for a whole fishing season, according to the usage in the fishing industry of the Far Eastern District; if the employee so desires, part of the said basic wages shall be paid to him in advance. The said basic wages for the whole season shall, however, not be less than the amount corresponding to fifteen yen a month, even when the employer is responsible by the contract of engagement for the expenses of the employees' transportation and rations, and even when the employer allows his employees an extra pay corresponding to a certain proportion of catches and collections in virtue of the so-called "kuichi" or similar practice.

The above stipulation having been adopted

by taking into consideration the law of the Union of Soviet Socialist Republics concerning minimum wages on one hand and the actual economic and social conditions in Japan on the other, it is agreed that, when the stipulation shall have become inadequate, a necessary readjustment may be made by agreement between the two Governments, with the view to suit new circumstances.

(3) Working hours in the fishery grounds shall as a rule be eight hours a day; however, in view of the special features of the fishing industry and in accordance with the laws of the Union of Soviet Socialist Republics providing for the conditions of working in seasonal labours, the employer may by agreement with his employees put them to work more than eight hours a day, provided he makes an arrangement with the competent local organs of the People's Commissariat of Labour relating to the working hours as well as the wages, even for a whole fishing season.

So far, however, as labour in fishing operations is concerned, at any time of the season, on occasions of an abundance of fish coming in shoals, the employees may, when they so agree, be put to work outside regular hours, on holidays and at night-time, for which no arrangement

罐詰作業ニ於ケル労働ニ付テハ前項ハ魚類ガ大群ヲ成シテ
來ル場合ニ於ケル捕獲物ノ蓄積過多ニ因リ、生産物ノ品質
ノ低下ヲ防グ爲超過労働ヲ必要トスル場合ニ限り適用セラ
ルベシ但シ當該使用者ハ超過労働ニ關シ使用者及被使用者
間ニ爲サレタル合意ノ條件ヲ成ルベク速ニ且如何ナル場合
ニ於テモ當該年ノ漁季ノ終了前ニ地方労働機關ニ通知スベ
シ

(四)
(イ) 使用者ガ「ソヴィエト」社會主義共和國聯邦ノ法令ニ從
ヒ社會保険料ヲ支拂フノ義務ヲ負フ場合ニ於テハ其ノ被
使用者（日本國ニ歸還シタル後ニ於テモ）又ハ日本國ニ
在ル其ノ家族ハ「ソヴィエト」社會主義共和國聯邦人民又
ハ「ソヴィエト」社會主義共和國聯邦内ニ居住スル其ノ家
族ト同一ノ權利ヲ享有スベシ

(ロ) 社會保険金額ガ日本國ニ居住スル日本國臣民又ハ其ノ
家族ニ支拂ハルベキ場合ニ於テハ右社會保険金額ハ漁季
ニ對スル社會保険料ガ支拂ハレタル後四月以内ニ「ソヴィ
エト」社會主義共和國聯邦政府ニ依リ該政府ノ日本國駐

在領事官ヲ經テ右日本國臣民又ハ其ノ家族ニ支拂ハルベ
シ

(ハ) 社會保険ニ關スル一切ノ計算及支拂ニ於テハ時價ニ依
ル爲替相場ノ代ニ日本國及「ソヴィエト」社會主義共和國
聯邦ノ各通貨ノ純分比價ニ依ルベシ

(ニ) 使用者ノ社會保険上ノ義務ハ左ノ三種ノ場合ニ限ラル
ベシ

- 一 被使用者ガ一時労働能力ヲ失フトキ
- 二 被使用者ガ事故ノ爲癱瘓ト爲リ又ハ死亡スルトキ
- 三 被使用者ガ醫療ヲ必要トスルトキ

(ホ) 使用者ハ「ソヴィエト」社會主義共和國聯邦ノ衛生官憲
トノ合意ヲ以テ醫療ノ供與ヲ引受クル場合ニ於テハ（ニ）ノ
三ノ場合ニ對スル保険料ノ支拂ヲ免除セラルベシ

使用者ノ團體又ハ他ノ組織ガ「ソヴィエト」社會主義共和
國聯邦ノ社會保険中ニ規定セラルル所ニ比シ被使用者ノ
爲同等又ハ有利ト爲ルベキ救恤措置ヲ、日本國官憲ニ依
リ承認セラレタル規則ニ從ヒ引受クル場合ニ於テハ使用

with the above-mentioned organs of the People's
Commissariat of Labour is to be required.

As regards labour in canning operation, the
above paragraph is applicable only in the case
when, owing to excessive accumulation of catches
on occasions of an abundance of fish coming in
shoals, extra work is necessitated in order to
prevent the quality of the products from being
deteriorated, subject to the condition that the
employers concerned shall inform the local labour
organs, as soon as possible and in any case
before the closing of the fishing season of the
corresponding year, of the conditions of the
agreement made between the employers and
employees regarding the extra work.

(4)
(a) In case the employer owes the obligation to
pay the social insurance premium in accordance
with the laws of the Union of Soviet Socialist
Republics, his employees, even after their return
to Japan, or their families in Japan shall enjoy
the same rights as citizens of the Union of
Soviet Socialist Republics or their families residing
in the Union of Soviet Socialist Republics.

(b) In case the social insurance is due to Japa-
nese subjects or their families residing in Japan,
it shall be paid to them by the Government of
the Union of Soviet Socialist Republics through

its Consular officers in Japan, within four months
after the social insurance premium for the season
shall have been paid.

(c) In all calculations and payments pertaining
to the social insurance, the respective mint value
of the currencies of Japan and the Union of
Soviet Socialist Republics shall be taken into
account instead of the current rates of exchange.

(d) The employer's obligation for social insur-
ance shall be limited to the following three
categories:

- I. when the employee is temporarily in-
capacitated for work;
- II. when the employee is invalidated or dies
because of an accident;
- III. when the employee needs medical treat-
ment.

(e) The employer shall be exempt from the
payment of the premium for the case III of the
section (d), in case he undertakes in agreement
with the sanitary authorities of the Union of
Soviet Socialist Republics the supply of medical
aid.

The employer shall be exempt from the
payment of the premium for the cases I and II
of the section (d), in the case when in accord-
ance with the regulations approved by the

者ハニノ一及二ノ場合ニ對スル保険料ノ支拂ヲ免除セラ
ルベシ

(五) 被使用者ガ自己ノ意思ニ依リ契約ヲ取消シタルトキハ右
被使用者ハ漁場ヨリ日本國ヘノ旅費ヲ負擔スベキコトヲ雇
傭契約中ニ規定スルコトヲ得但シ使用者ハ被使用者ノ日本
國ヘノ乗船ニ對シ責任ヲ負フベキモノトス

使用者ハ其ノ漁場ニ於テ被使用者ヲ解雇シタルトキハ右被
使用者ノ日本國ヘノ歸還費ヲ支拂フベシ

使用者又ハ被使用者ガ被使用者ノ日本國出發前ニ相當ノ事
由ナクシテ雇傭契約ヲ履行セザル場合ニ於ケル賠償金ノ支
拂ニ關シ雇傭契約中ニ一ノ規定ヲ挿入スルコトヲ得ルハ
勿論トス

本議定書ノ規定ハ兩政府間ニ爲サルコトアルベキ合意ニ依リ
變更セラレハ補足セラルベシ

本議定書ハ本日署名セラレタル漁業條約ノ批准ト共ニ批准セラ

レタルモノト看做サルベク且該條約ト同一ノ存續期間ヲ有スベ
シ

右證據トシテ各全權委員ハ英吉利語ヲ以テセル本議定書ニ通ニ
署名調印セリ

千九百二十八年一月二十三日「モスコ」市ニ於テ之ヲ作成ス

田 中 都 吉 (印)
エル、カラハン (印)
エム、ラツィス (印)

議 定 書 (丙)

本日日本國「ソヴェエト」社會主義共和國聯邦間漁業條約ニ署名
スルニ當リ兩締約國ノ全權委員ハ左ノ如ク協定セリ

漁業權ヲ有スル日本國臣民ガ漁業條約第一條ニ特定セラルル
地方ニ於テ罐詰工場ヲ設置シ及經營スルコトニ付テハ左ノ條
件ヲ附セラルベシ但シ罐詰工業ニ關スル一切ノ事項ニ付テハ
日本國臣民ハ「ソヴェエト」社會主義共和國聯邦ノ私人又ハ私
企業ニ對シ與ヘラルル所ニ比シ不利益ナル地位ニ置カルルコ
トナカルベシ

Japanese authorities, such measures of relief shall be undertaken by a group of employers or other organizations as shall prove equally or more favourable to the employees compared with those provided for in the social insurance of the Union of Soviet Socialist Republics.

(5) It may be stipulated in the contract of engagement that, when the employee shall have cancelled the contract on his own volition, he shall bear the expenses of passage from the fishery ground to Japan, it being understood that the employer shall be responsible for the employee's embarkation for Japan.

When the employer shall have dismissed his employee on his fishery ground, the employer shall pay the expenses of the latter's return to Japan.

As a matter of course, a stipulation may be included in the said contract of engagement for payment of an indemnity in the case when the employer or employee shall not, without due cause, carry out the contract before the employee's departure from Japan.

The provisions of the present Protocol shall be subject to change or supplement by a mutual agreement which may be arranged between the two Governments.

The present Protocol is to be considered as ratified

with the ratification of the Fishery Convention signed this day and shall have the same duration as that Convention.

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

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

T. TANAKA (L.S.)
L. KARAKHAN (L.S.)
M. LACIS (L.S.)

PROTOCOL (C).

In proceeding this day to the signature of the Fishery Convention between Japan and the Union of Soviet Socialist Republics, the Plenipotentiaries of the two High Contracting Parties have agreed as follows:

The establishment and operation of canning factories by Japanese subjects having fishery rights, in the districts specified in Article I of the Fishery Convention, shall be conditioned as follows, provided that, in all that concerns the canning industry, Japanese subjects shall not be placed in a position less favourable than that accorded to private persons or enterprises of the Union of Soviet Socialist Republics.

(甲) 競賣ニ依リ日本國臣民ニ貸付セラレタル漁區ニ於テハ右日本國臣民ハ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ニ豫告ヲ爲シ且本議定書(乙)一、(二)、(六)、(七)及(九)ノ規定ノ適用ヲ受クルコトヲ條件トシテ其ノ貸付期間ノ漁季中罐詰工場ヲ設置シ及經營スルコトヲ得

(乙) 日本國臣民ガ所有スル罐詰工場ニシテ漁業條約ノ締結ノ當時現ニ存在スルモノノ經營ニ付テハ左ノ條件ニ從ヒ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ト關係日本國臣民トノ間ニ特別契約ヲ締結スベシ

(一)

日本國臣民ハ其ノ罐詰工場ノ規模及設備ノ變更ヲ爲スコト自由タルベシ但シ右日本國臣民ハ右變更ヲ爲シタルトキハ「ソヴィエト」社會主義共和國聯邦ノ規則ニ依リ定メラレタル手續ニ從ヒ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ニ之ガ通知ヲ爲スベシ尙日本國臣民ハ他ノ借受人ニ許與セラレタル漁區ヨリ右罐詰工場ノ魚類及水產物ヲ運搬シ又ハ之ニ加工スルコトヲ禁止セラレ又ハ制限セララルコトナカルベシ

(二)

罐詰工場ノ存在スル漁區ニ於ケル「ソヴィエト」社會主義共和國聯邦ノ政府又ハ人民ニ屬セザル一切ノ財産ハ特別契約ノ期間ノ滿了後他ノ漁區ニ若ハ「ソヴィエト」社會主義共和國聯邦外ニ關係日本國臣民ニ依リ運搬セラレ又ハ「ソヴィエト」社會主義共和國聯邦政府ノ許可ヲ得テ「ソヴィエト」社會主義共和國聯邦ノ領域内ニ於テ賣却セラルコトヲ得右財産ハ右契約ノ期間ノ滿了後一年以内ニ前記ノ如ク處分セラレザルトキハ無償ニテ「ソヴィエト」社會主義共和國聯邦政府ノ所有ニ歸スベシ

(三)

現ニ存在スル罐詰工場ノ經營ニ付テハ各罐詰工場ニハ該工場ノ存在スル漁區及其ノ附近ニ在ル他ノ一漁區ヲ配屬セシムベク右兩漁區ハ共ニ漁業條約第二條第二項ノ規定ニ從ヒ競賣ニ依ラズシテ貸付セラルベシ

日本國臣民ガ漁区内ニ罐詰工場ヲ設置スル爲漁業條約第二條第二項ノ規定ニ從ヒ「ソヴィエト」社會主義共和國

(A) In the fishery lots leased by auction to Japanese subjects, they may establish and operate canning factories during fishing seasons of their lease-term, by giving notice in advance to the competent authorities of the Union of Soviet Socialist Republics, and subject to the application of the provisions of Sections (1), (2), (6), (7) and (9) of Paragraph (B) of the present Protocol.

(B) For the operation of the canning factories owned by Japanese subjects and actually existing at the time of conclusion of the Fishery Convention, special contracts shall be concluded between the competent authorities of the Union of Soviet Socialist Republics and the Japanese subjects concerned in conformity with the following conditions:

(1)

Japanese subjects are at liberty to make alterations in the scope and equipments of their canning factories, provided that, when such alterations are made, they shall make notification thereof to the competent authorities of the Union of Soviet Socialist Republics, in accordance with the formalities prescribed by the regulation of the Union of Soviet Socialist Republics. Moreover, they shall not be prohibited or restricted to transport fish and aquatic products from fishery lots granted to other lessees to the said canning factories, or to prepare them.

(2)

All the properties not belonging to the Government or citizens of the Union of Soviet Socialist Republics in the fishery lots where canning factories are found may, after the expiration of the term of special contracts, either be transported by the Japanese subjects concerned to other fishery lots or outside the Union of Soviet Socialist Republics, or, with the permission of the Government of the Union of Soviet Socialist Republics, be sold off within the territory of the Union of Soviet Socialist Republics; in case the said properties shall not have been disposed of as above mentioned, within one year after the expiration of the said contracts, they shall come into the possession of the Government of the Union of Soviet Socialist Republics without compensation.

(3)

For the operation of the canning factories now in existence, each canning factory shall be provided with the fishery lot where the factory is situated and also with another fishery lot lying in the neighbourhood, both of which are to be leased without auction in accordance with the provisions of the second paragraph of Article II of the Fishery Convention.

In case Japanese subjects make application to the competent authorities of the Union of Soviet Socialist

國聯邦ノ權限アル官憲ニ對シ右漁區ノ貸付ヲ申請スル場合ニ於テハ「ソヴィエト」社會主義共和國聯邦政府ノ事情ノ許ス限リ右貸付ヲ許與スルノ目的ヲ以テ日本國政府ト商議スルコトニ同意スベシ

(四)

(三)ニ掲ゲラルル罐詰工場ニ關スル特別契約ノ期間ハ十年トス

右特別契約ノ期間ノ滿了後罐詰工場ニ關シ執ルベキ措置ニ付テハ兩政府ハ漁業條約ノ改訂ニ關スル商議ノ際又ハ右期間ノ滿了ノ一年前ニ於テ之ガ商議ヲ爲メシ

(五)

(四)ニ掲ゲラルル特別契約ヲ締結セント欲スル日本國臣民ハ日本國政府ニ依リ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ニ推薦セラルヘシ

(六)

罐詰工場ノ經營ニ對スル特別報償金(「ドリニヴェエ、

オッチスリニエ」)ハ關係罐詰工場ニ於テ加工セラレタル漁類及水産物ノ實際ノ數量ニ對シ左ノ率ニ依リ「ソヴィエト」社會主義共和國聯邦ノ金貨幣ヲ以テ計算セラルヘシ

一 紅鮭ニ對シテハ一函ニ付二十「ロベック」

二 銀鮭、鱒ノ助及鮭ニ對シテハ一函ニ付十六「ロベック」

三 鱒ニ對シテハ一函ニ付九「ロベック」

四 蟹ニ對シテハ一函ニ付四十「ロベック」

右ニ關シテハ罐詰品一函ハ各一ボンド入ナル罐四十八箇又ハ各半ボンド入ナル罐九十六箇ヲ包含スルモノトス

右特別報償金ハ之ニ對シ課セラルベキ税金、課金及手数料ト共ニ毎年十二月中ニ支拂ハルヘシ

特別報償金ノ前記ノ率ハ當該商品ノ現在ノ市價ガ著シク變動シタル場合ニハ雙方ノ合意ニ依リ之ヲ變更スルコトヲ得

(七)

税金、課金及手数料ニ付テハ漁業條約第四條ノ規定及同條約附屬文書ノ規定ヲ適用ス右ニ關シテハ右附屬文書中ニ使用セラレタル「報償金」ナル語ハ漁區ノ貸付ニ對スル報償金及(六)ニ規定セラルル罐詰工場ノ經營ニ對スル特別報償金(「ドリニヴェエ、オッチスリニエ」)ヲ

Republics for the lease of fishery lots for the purpose of establishing therein canning factories, in accordance with the provisions of the second paragraph of Article II of the Fishery Convention, the Government of the Union of Soviet Socialist Republics will agree to enter into negotiations with the Japanese Government, with a view to granting such lease so far as the circumstances permit.

(4)

The term of special contracts concerning the canning factories mentioned in Section (3) shall be ten years.

As regards measures to be taken with respect to the canning factories after the expiration of the term of the said special contracts, the two Governments shall enter into negotiations on this question either on occasion of the negotiations for the revision of the Fishery Convention, or one year before the said expiration.

(5)

Japanese subjects who desire to conclude the special contracts mentioned in Section (4) shall be recommended by the Japanese Government to the competent authorities of the Union of Soviet Socialist Republics.

(6)

The special royalty (dolevoe otchislenie) for the

operation of canning factories shall be calculated in the gold currency of the Union of Soviet Socialist Republics at the following rates for the actual amount of the fish and aquatic products prepared in the canning factories concerned:

1. For red salmon, 20 copecks per case.

2. For silver salmon, king salmon and dog salmon, 16 copecks per case.

3. For humpback-salmon, 9 copecks per case.

4. For crabs, 40 copecks per case.

It is understood in this connection that one case of canned goods contains forty-eight cans of one pound each, or ninety-six cans of half a pound each.

The said special royalty, together with the taxes, imposts and fees chargeable thereon, shall be paid in December every year.

The above-mentioned rates of the special royalty may be altered by mutual agreement, in case the market price of the respective merchandise now obtaining has considerably changed.

(7)

As regards taxes, imposts and fees, the provisions of Article IV of the Fishery Convention as well as those of the instruments attached thereto shall be applicable, it being understood in this connection that the term "royalty" employed in the said instruments shall be

包含スト解セラルベキモノトス

(八)

金(三)ノ規定ニ從ヒ貸付セラレタル漁區ニ對スル普通報償
金ノ額ヲ決定スル爲左ノ方法ヲ採用スベシ

競賣ニ依リ貸付セラレ且罐詰工場ニ配屬セラルル漁
區ニ最近キ漁區ニシテ右配屬漁區ニ於ケルト同種類
ノ魚類ノ捕獲セラルルモノ成ルベク總計四箇ヲ三年
毎ニ取りテ之ヲ標準ト爲シ、右漁區ノ貸付ニ對スル
報償金ノ合計ヲ右漁區ノ捕獲標準高ノ合計ヲ以テ除
シテ得タル商ヲ基本單位ト看做スベク、當該報償金
ハ右基本單位ニ當該漁區ニ割當テラルル漁獲標準高
ヲ乘ジテ之ヲ算出シ「ソヴエト」社會主義共和國聯
邦ノ金貨幣ヲ以テ表示スベシ

(九)

罐詰工場及漁區ノ經營ニ關スル一切ノ事項ニシテ本議
定書ニ特ニ規定セラレザルモノニ付テハ漁業條約及同
條約附屬文書ノ規定ヲ適用スベシ

(十)

現ニ存在スル罐詰工場ニ關スル特別契約ヲ締結スル爲
關係日本國臣民ハ本議定書ニ依リ競賣ニ依ラズシテ取
得セントスル漁區ヲ明ニ表示シテ「ソヴエト」社會主
義共和國聯邦ノ權限アル官憲ニ對シ商議ノ開始ヲ成ル
ベク速ニ申請スベシ

商議ハ漁業條約ノ實施後二月以内ニ結了セラルベシ

(十一)

右商議ガ所定ノ期間内ニ結了セザル場合ニ於テハ關係
日本國臣民ハ本議定書(乙)ノ規定ヲ基礎トシテ兩政府間
ニ協定セラルベキ取極ニ從ヒ關係漁區ニ於ケル罐詰工
場ノ經營ヲ繼續スルコトヲ得前記商議ハ爾後六月以内
ニ成ルベク結了セラルベシ

日本國臣民ノ所有スル罐詰工場ニシテ漁業條約ノ締結
ノ當時現ニ存在スルモノニ關スル特別契約ガ何等カノ
理由ニ依リ締結セラレザルカ又ハ締結セラレタル特別

held to include the royalty for the lease of fishery lots
and the special royalty (dolevoe otchislennie) for the oper-
ation of canning factories provided for in Section (6).

(8)

For the purpose of determining the amount of
ordinary royalty for the fishery lots leased in accordance
with the provisions of Section (3), the following method
shall be adopted:

Every three years shall be taken, as a standard,
fishery lots amounting so far as practicable to four in
all, which are leased by auction and lie in the closest
proximity to the fishery lots appertaining to canning
factories and where the same kinds of fish are caught
as in the latter, and the quotient obtained through dividing
the sum total of the royalty for their lease by the sum
total of their standard amounts of catch shall be considered
as basic unit; the royalty in question shall be computed
expressed in the gold currency of the Union of Soviet
Socialist Republics by multiplying the said basic unit by
the standard amount of catch assigned to the fishery
lots concerned.

(9)

In all that concerns the operation of canning factories
and fishery lots and which is not specifically dealt with
in the present Protocol, the provisions of the Fishery

Convention and the instruments attached thereto shall
be applicable.

(10)

For the purpose of concluding special contracts con-
cerning the canning factories now in existence, the
Japanese subjects concerned shall as soon as possible
apply to the competent authorities of the Union of Soviet
Socialist Republics for the opening of negotiations with a
clear indication of the fishery lots which they propose to
obtain without auction according to the present Protocol.
The negotiations shall be concluded within two months
after the coming into force of the Fishery Convention.

(11)

In case the said negotiations fail to be concluded
within the stipulated time, the Japanese subjects concerned
may continue the operation of the canning factories in
the fishery lots concerned, in conformity with the arrange-
ment that shall be agreed upon between the two Govern-
ments on the basis of the provisions of Paragraph (B)
of the present Protocol. The above-mentioned negotiations
shall, as far as possible, be concluded within six months
thereafter.

Should for any reason any special contract concerning
the canning factories owned by Japanese subjects and
actually existing at the time of conclusion of the Fishery

契約が無効ト爲リタル場合ニ於テハ一箇又ハ數箇ノ當該罐詰工場ニ割當テラレタル漁區ハ其ノ利用ノ繼續ヲ保障スルノ目的ヲ以テ競賣ニ付セラルベキハ勿論トス

本議定書ハ本日署名セラレタル漁業條約ノ批准ト共ニ批准セラレタルモノト看做サルベク且該條約ト同一ノ存續期間ヲ有スベシ

右證據トシテ各全權委員ハ英吉利語ヲ以テセル本議定書ニ通ニ署名調印セリ

千九百二十八年一月二十三日「モスコ」市ニ於テ之ヲ作成ス

田 中 都 吉 (印)
エル、カラハン (印)
エム、ラツイス (印)

最終議定書

本日日本國「ソヴィエト」社會主義共和國聯邦間漁業條約並ニ同條約附屬ノ議定書甲及議定書乙ニ署名スルニ當リ日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ左ノ聲明ヲ爲セリ

第一部

一 漁業條約第二條ニ關スルモノ

(甲) 漁業條約第二條第一項ノ規定ニ關シ「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(一) 既に經營セラレタル漁區ノ競賣ニ於ケル最低價格ハ平常ノ狀態ノ下ニ於テハ前回ノ競賣ニ於ケル最低價格ヲ標準ト爲シ決定セラルベク前回ノ競賣後右漁區ノ經濟上ノ價值ニ何等カノ變動アリタル場合ニ於テハ其ノ最低價格ハ之ニ應ジテ調節セラルコトヲ得ルモノトス利用ノ爲新ニ開カレタル漁區ノ場合ニ於テハ其ノ最低價格ハ附近ノ漁區ニ對シ支拂ハルル報償金ト該漁區ニ割當テラレタル漁獲標準高トノ割合ヲ標準ト爲シ決定セラルベシ

(二) 競賣ニ於テ競落者ナカリシ漁區ニ付テハ其ノ最低價格ハ競賣後直ニ公表セラルベク且右漁區ヲ次回ノ競賣ニ付スルニ當リテハ競買人ニ對シ成功ノ好機會ヲ與フルノ目的ヲ以テ其ノ最低價格ノ決定ニ付相當ノ考慮ヲ加フベシ

Convention fail to be concluded, or any special contract so concluded become void, the fishery lots assigned to the canning factory or factories in question shall, as a matter of course, be put up to auction with a view to ensuring the continuance of their exploitation.

The present Protocol is to be considered as ratified with the ratification of the Fishery Convention signed this day and shall have the same duration as that Convention.

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

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

T. TANAKA (L.S.)
L. KARAKHAN (L.S.)
M. LACIS (L.S.)

FINAL PROTOCOL.

In proceeding this day to the signature of the Fishery Convention between Japan and the Union of Soviet Socialist Republics as well as of the Protocol (A) and the Protocol (B) attached thereto, the Plenipotentiaries of Japan and the Union of Soviet Socialist Republics have made the following declarations:

PART I.

1. *re Article II of the Fishery Convention.*

(A) With regard to the provisions of the first paragraph of Article II of the Fishery Convention, the Plenipotentiaries of the Union of Soviet Socialist Republics declare as follows:

(1) Under normal conditions, the upset price at auction of a fishery lot which has already been operated is to be determined by taking as standard its upset price at the last auction, it being understood that, should there be any change in the economic value of the said fishery lot after the last auction, its upset price may be correspondingly adjusted; in the case of a fishery lot which is newly opened for exploitation, its upset price is to be determined by taking as standard the proportion between the royalty paid on, and the standard amount of catch assigned to, the neighbouring fishery lots.

(2) As regards a fishery lot for which there has been no successful bidder at auction, its upset price is to be published immediately after the auction, and in putting it up to the following auction, due consideration will be paid in the determination of its upset price with a view to affording a better chance of success to bidders.

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

(乙) 漁業條約第二條第二項ノ規定ニ關シ日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ左ノ如ク協定セルコトヲ聲明ス

(一) 「ソヴィエト」社會主義共和國聯邦政府ハ漁業條約ノ存續期間中其ノ國營企業ニ對シ該企業自ラノ利用ノ爲競賽ニ依ラス且該條約附屬議定書(甲)第六條第一項ニ規定セルル貸付期間ヲ以テ該條約第一條ニ特定セルル地方ニ存在スル漁區ノ貸付ヲ許與スルコトヲ得鮭鱒族ノ漁類ノ捕獲ニ當テラレタル漁區ノ場合ニ於テハ右貸付ノ許與ハ漁獲標準高ガ右漁業條約ノ實施ノ時ニ於ケル漁獲標準總高ノ約百分ノ二十ニ相當スル合計二百萬「ブロード」ヲ超エザル漁區ニ限ラルベキモノトス右以外ノ漁類及水產物ノ捕獲又ハ採取ニ當テラレタル漁區ノ場合ニ於テハ右許與ハ捕獲物及採集物ノ合計ガ各漁類及水產物ノ捕獲物及採集物ノ總高ノ百分ノ二十ニ相當スル漁區ニ限ラルベシ

(二) 國營企業ガ自ラ前記限度内ノ一切ノ漁區ヲ全部且完全ニ經營シタル場合ニ於テ「ソヴィエト」社會主義共和國聯邦政府ガ提案スルトキハ兩政府ハ右企業ニ對シ許與セララルベキ漁區ノ標準高及漁區ノ數ノ増加ニ關シ更ニ商議ヲ爲スベシ

(三) 國營企業ニ貸付セララルベキ漁區ヲ選定スルニ當リテハ「ソヴィエト」社會主義共和國聯邦政府ハ捕獲物及採集物ノ種類及數量ニ從ヒテ分類セララル漁區ノ各部類ニ對シ前記(一)ニ掲ゲラルル歩合ヲ割當ツルノ原則ニ成ルハク從フベク且「ソヴィエト」社會主義共和國聯邦政府ハ關係日本國臣民ガ有スルコトアルベキ合理的希望及千九百二十七年即チ漁業條約ノ締結ノ爲ノ商議ノ時ニ於テ國營企業ノ經營セル漁區ガ當時利用ノ爲貸付セラレタル一切ノ漁區ノ百分ノ二十ヲ超エズ日本國臣民ノ經營セル漁區ガ其ノ百分ノ八十ヲ超エタルノ事實ヲ相當考慮シ右選定ニ關スル最終ノ決定ヲ爲スニ先チ日本國政府ト協議スベシ

The Plenipotentiary of Japan declares that he has no objection thereto.

(B) With regard to the provisions of the second paragraph of Article II of the Fishery Convention, the Plenipotentiaries of Japan and the Union of Soviet Socialist Republics declare that they have agreed to the following:

(1) The Government of the Union of Soviet Socialist Republics will grant, without auction and for the lease-terms provided for in the first paragraph of Article 6 of the Protocol (A) attached to the Fishery Convention for the duration of the said Convention, the lease of fishery lots lying in the districts specified in Article 1 of the said Convention to its state enterprises for their own exploitation. It is understood that in the case of fishery lots dedicated to catching fish of the salmon tribe, the grant of such lease shall be limited to those lots, of which the standard amount of catch does not exceed 2,000,000 poods in aggregate, corresponding to about twenty per cent of the total standard amount of catch obtaining at the time of coming into force of the said Convention. In the case of fishery lots dedicated to catching or taking the other fish and aquatic products, the said grant shall be limited to those lots, of which catches and collec-

tions in aggregate correspond to twenty per cent of the total amount of catches and collections of respective fish and aquatic products.

(2) When the state enterprises have wholly and completely operated for themselves all the fishery lots within the above-mentioned limit, the two Governments shall, if the Government of the Union of Soviet Socialist Republics so propose, enter into further negotiations on the increase of the standard amount and the number of fishery lots to be granted to the said enterprises.

(3) In determining the fishery lots to be leased to the state enterprises, the Government of the Union of Soviet Socialist Republics will be guided, as far as practicable, by the principle of apportioning the percentage mentioned in the foregoing Paragraph (1) to each of the groups into which the fishery lots may be classified according to the kind and amount of catches and collections, and having due regard to the reasonable desire which may be entertained by the Japanese subjects interested, and also to the fact that in the year 1927, i. e., at the time of the negotiations for the conclusion of the Fishery Convention, the fishery lots operated by the state enterprises did not amount to twenty per

(四) 競賣ニ依ラスシテ國營企業ニ貸付セラルルコトニ定メル漁區ニシテ國營企業ガ實際ニ經營セザルモノハ一年以上貸付ノ爲當該年度ノ漁季前適當ノ時期ニ於テ競賣ニ付セラルルカ又ハ地方農民及地方漁民ニ競賣ニ依ラスシテ貸付セラルベシ斯ク貸付セラルタル漁區ハ國營企業ニ依リ經營セラルルモノト看做サレザルベキハ勿論ナリトス

(五) 漁業條約及同條約附屬文書ニ關スル限り「國營企業」ナル語ハ資本ノ過半額ガ「ソヴィエト」社會主義共和國聯邦又ハ之ヲ構成スル一箇若ハ數箇ノ共和國ノ機關ニ依リ投資セラルタルカ又ハ理事ノ過半數ガ右機關ニ依リ任命セラレタル一切ノ種類ノ企業ヲ謂フモノト解セラルベシ右部類ニ屬セザル企業ニシテ右機關ガ何等カノ形式ニ於テ参加スルモノ又ハ「ソヴィエト」社會主義共和國聯邦ニ於ケル各種ノ地方行政組織ノ或機關ガ形式又ハ方法ノ如何ヲ問ハズ全部又ハ一部ニ参加スル企業ニ付テハ「ソヴィエト」社會主義共和國聯邦政府ハ漁區ノ取得ニ關シ右企

業ガ競賣ニ参加スルヲ得ベキヤ又ハ本議定書中ニ指定セラレタル國營企業ノ部類ニ包含セラルベキヤヲ決定スル爲日本國政府ト協議スベシ但シ何レカノ企業ニシテ「ソヴィエト」社會主義共和國聯邦、之ヲ構成スル一箇若ハ數箇ノ共和國又ハ地方組織ノ機關トノ普通ノ商取引中ニ於テ後者ニ對シ債務者ノ地位ニ立チ又ハ其ノ持分ノ小部分ガ一時後者ノ所有ニ歸スルコトアルベキモノハ右規定ノ範圍外ニ在ルモノト看做サルベシ

(六) 漁業條約及前諸項ノ規定ニ拘ラズ「ソヴィエト」社會主義共和國聯邦政府ハ黑龍江海灣(「リマン」)ニ於テ開カレ又ハ開カルコトアルベキ漁區ヲ其ノ數ニ關係ナク競賣ニ依ラスシテ國營企業及各種ノ「コオペラテ、ヴ」組合

cent, while those operated by Japanese subjects exceeded eighty per cent, of all the fishery lots then leased for exploitation, the Government of the Union of Soviet Socialist Republics will confer with the Japanese Government before coming to final decision as to the said determination.

(4) The fishery lots, destined for lease without auction to the state enterprises, but not actually operated by them, shall either be put up to auction in due course of time before the fishing season of the corresponding year, for lease for one year or more, or be leased to local peasants and fishermen without auction. It is understood, as a matter of course, that the fishery lots so leased shall not be considered as operated by the state enterprises.

(5) So far as concerns the Fishery Convention and the instruments attached thereto, the term, "state enterprises" shall be held to imply all kinds of enterprises more than one half of whose capital is invested by the organs of the Union of Soviet Socialist Republics, or of its component Republic or Republics, or more than one half of whose directing officials are appointed by the said organs. So far as concerns any enterprises which do not belong to the said category, and

in which the said organs participate in some form or other, or any enterprises in which some organs of the various local administrative organizations in the Union of Soviet Socialist Republics participate wholly or partly in whatever form or manner it may be, the Government of the Union of Soviet Socialist Republics shall confer with the Japanese Government for deciding whether, for the purpose of obtaining fishery lots, the enterprises in question shall be enabled to participate in auctions or be included in the category of the state enterprises prescribed in the present Protocol. Provided, however, that any enterprises which may have, in the course of ordinary commercial transactions with the organs of the Union of Soviet Socialist Republics, or of its component Republic or Republics, or of local organizations, placed themselves in a position of debtor in relation to the latter, or a minority of whose shares may have come into temporary possession of the latter, shall be considered as outside the scope of the foregoing provisions.

(6) Notwithstanding the provisions of the Fishery Convention and the foregoing paragraphs, the Government of the Union of Soviet Socialist Republics may lease without auction the fishery

竝ニ地方農民及地方漁民ニ貸付スルコトヲ得

尤モ黒龍江海灣（「リヤン」）ニ於ケル魚類ガ著シク増加シタル場合ニ於テハ又本規定ハ兩政府間ノ合意ニ依リ之ヲ變更シ得ルコトヲ約ス

(丙) 漁業條約第二條末項ノ規定ニ關シ「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(一) 「ソヴィエト」社會主義共和國聯邦政府ハ日本國臣民ガ漁業條約第二條末項ニ掲ゲラルル免許狀ヲ受クルニ付準據スベキ規則ヲ近キ將來ニ於テ發スルノ意嚮ヲ有ス

(二) 「ソヴィエト」社會主義共和國聯邦政府ハ漁業ニ従事スル日本國臣民ニ對シ捕鯨ノ爲ノ根據地トシテ五箇ヲ超エザル數ノ陸上地區ヲ貸付スルノ用意ヲ有ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

二 漁業條約第三條ニ關スルモノ

漁業條約第三條ノ規定ニ關シ「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(一) 漁區ノ陸上區域ガ傾斜急ナルカ若ハ沼地ナルカ又ハ狹小ナル爲漁業ニ必要ナル設備ヲ施ス能ハザルコト判明スルトキハ附近ニ於ケル岸地ノ貸付ヲ申請スルコトヲ得「ソヴィエト」社會主義共和國聯邦ノ官憲ハ右申請ニ對シ相當ノ考慮ヲ加ヘ理由アリト認メタルトキハ右申請ヲ許可スベシ

(二) 漁業作業ニ於テ生ズル廢棄物ハ之ヲ沖合ニ投棄スルコトヲ得

(三) 「ソヴィエト」社會主義共和國聯邦ノ官憲ハ漁業ニ必要ナルトキハ漁區外ヨリ木材、燃料及水ヲ得ル爲ノ申請ヲ許可スルニ付何等ノ異議ヲ有セザルベシ右ニ關シ要スルコトアルベキ費用及課金ハ關係者ニ依リ支拂ハルベキハ勿論トス

(四) 漁業條約第三條ノ規定ニ從ヒ建テラレタル建物、倉庫、小屋及乾燥場ハ當該漁區ノ貸付期間ノ滿了後一年以内ニ之ヲ除去スルカ又ハ右漁區ノ新借受人ニ移轉スベシ

lots, irrespective of their number, which are or may be opened in the Liman of the Amur, to the state enterprises and various cooperative societies, as well as to local peasants and fishermen.

It is further agreed, however, that when fish in the Liman of the Amur have conspicuously increased, the present stipulation may be modified by agreement between the two Governments.

(C) With regard to the provisions of the last paragraph of Article II of the Fishery Convention, the plenipotentiaries of the Union of Soviet Socialist Republics declare:

(1) The Government of the Union of Soviet Socialist Republics has in view the issue in a near future of a regulation, in conformity with which Japanese subjects may obtain the licence mentioned in the last paragraph of Article II of the Fishery Convention.

(2) The Government of the Union of Soviet Socialist Republics is ready to lease to Japanese subjects engaged in the fishing industry landed lots as basis for whaling, up to a number not more than five.

The Plenipotentiary of Japan declares that he has no objection thereto.

2. *re Article III of the Fishery Convention.*

Regarding the provisions of Article III of the Fishery Convention, the Plenipotentiaries of the Union of Soviet Socialist Republics declare:

(1) In case the landed area of a fishery lot proves to be too steep or swampy, or too small, for providing equipments necessary for the fishing industry, application may be made for the lease of a littoral in the neighbourhood; the authorities of the Union of Soviet Socialist Republics shall take the application into due consideration and, when it is found reasonable, shall grant the said application.

(2) The refuse produced in the operation of fisheries may be thrown away in the offing.

(3) The authorities of the Union of Soviet Socialist Republics shall have no objection to granting the application for obtaining timber, fuel as well as water from outside fishery lots, when necessary for the fishing industry; it goes without saying that the charges and dues which may be required in this respect shall be paid by the persons interested.

(4) Buildings, warehouses, huts and drying-sheds erected in accordance with the provisions of Article III of the Fishery Convention shall be

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

三 漁業條約第四條及第十條並ニ議定書(甲)第九條ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

- (一) 魚類及水產物ノ「漁場ニ於ケル價格」ノ決定ハ日本國又ハ何レカノ第三國ニ於ケル右商品ノ各種類ノ主要ナル市場ニ於ケル當該種類ノ平均價格ヨリ運賃及運送ニ關スル他ノ費用ヲ控除シテ之ヲ爲スベシ

尤モ個個ノ漁區間ニ行ハルル魚類及水產物ノ取引ニ對スル營業稅ハ實際ニ支拂ハルル價格ヲ基礎トシテ徵收セラルベシ

- (二) 漁業條約第十條第一項前段ニ掲ゲラルル日本國臣民ノ「ソヴィエト」社會主義共和國聯邦ヘノ入國及之ヨリノ出國ニ關スル領事手數料ハ右日本國臣民ガ團體查證ノ爲提示セラレタル名簿ニ包含セラルル場合ニ於テハ一人ニ付五十五「コベック」ノ割合ト定メラルベク又右日本國臣民ノ「ソヴィエト」社會主義共和國聯邦ニ於ケル滞在ニ對スル登録手數

料ハ一人ニ付十「コベック」トス

- (三) 前項ニ掲ゲラルル者ヲ除キ日本國臣民(議定書(甲)第十六條ニ掲ゲラルル者ヲ含ム)ニ對スル領事手數料及登録手數料ハ「ソヴィエト」社會主義共和國聯邦ノ領域ニ到ル外國人ニ適用セラルル一般規則ニ從ヒ課セラルヘシ

- (四) 漁區ノ貸付契約ニ對スル登録手數料ハ當該漁區ニ對スル報償金ノ百分ノ三ヲ超ユルコトナカルベシ

- (五) 漁區並ニ漁區ニ遺留セラルルコトアルベキ設備及私有品ノ相續ニ關スル問題ハ死亡者ガ日本國臣民タル限り日本國政府トノ特別取極ノ目的タルベシ

- (六) 議定書(甲)第九條ノ規定ハ同條ニ掲ゲラルル税金、課金及手數料ノ何レカノ用語ノ變更ヲ妨グルモノト解セラレザルベシ但シ右ニ依リ變更セラレタル税金、課金及手數料ハ以前ト同一ノ性質ヲ保持スルコトヲ要ス

removed within one year after the expiration of the lease-term of the fishery lots concerned, or transferred to the new lessee thereof.

The Plenipotentiary of Japan declares that he has no objection thereto.

3. *re Articles IV and X of the Fishery Convention and Article 9 of the Protocol (A).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare:

- (1) The determination of "the price on the fishery grounds" of fish and aquatic products shall be made by deducting freight and other charges connected with transportation from the average price of respective kinds of sice merchandise obtaining in their principal market in Japan or in any third state.

However, the business tax on dealings in fish and aquatic products carried out between individual fishery lots shall be levied on the basis of the price actually paid.

- (2) The consular fee concerning entry into, and departure from, the Union of Soviet Socialist Republics of Japanese subjects mentioned in the first part of the first paragraph of Article X of the Fishery Convention shall be, when included in a list presented for collective visé, fixed at

the rate of fifty-five copecks per capita, and the registration fee for their stay in the Union of Soviet Socialist Republics shall be ten copecks per capita.

- (3) The consular fee and the registration fee for Japanese subjects excluding those mentioned in the foregoing paragraph and including those mentioned in Article 16 of the Protocol (A) shall be charged in conformity with general regulations applicable to foreigners proceeding to the territory of the Union of Soviet Socialist Republics.

- (4) The registration fee on lease contract of fishery lot shall not exceed three per cent of the royalty for the lot concerned.

- (5) The question concerning the inheritance of fishery lots, as well as the equipments and personal belongings which may be left there shall be, in so far as the deceased are Japanese subjects, an object of special arrangement with the Japanese Government.

- (6) The provisions of Article 9 of the Protocol (A) shall not be construed to prevent the change of terminology of any of the taxes, imposts and fees mentioned therein, provided the taxes, imposts and fees so affected shall retain the same character as before.

(七) 「ソヴィエト」社會主義共和國聯邦ニ於テ購入セラレタル物件ニ對スル消費稅及輸入稅並ニ漁場外ニ於テ行ハレタル行爲ニ關シ徵收セラルベキ稅金及課金ハ日本國臣民ノミニ負擔セシメラレザル限り漁業條約第四條ノ範圍外ニ在ルモノト看做サレ一般規則ニ從ヒ日本國臣民ニ課セラルベシ

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

四 漁業條約第六條ニ關スルモノ

(一) 「ソヴィエト」社會主義共和國聯邦全權委員ハ漁業條約第六條中ニ使用セラレタル「國籍」ナル語ハ露西亞語ノ「Гражданинство」及「подданство」ニ相當スト解セラルベキコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

(二) 日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ左ノ如ク協定セルコトヲ聲明ス

漁業權ヲ有スル日本國臣民ハ能フ限り且日本人タル労働者ニ適用セラルルト均シキ條件ノ下ニ「ソヴィエト」社會主義共和國聯邦人民タル労働者ヲ既ニ使用シ且之ヲ使用スルノ用意ヲ常ニ有スルニ鑑ミ右日本國臣民ガ右聯邦人

民タル労働者ノ若干數ヲ使用スルノ問題ハ事情ノ許ス場合ニ於テハ兩政府間ニ於テ商議セラルベシ

五 漁業條約第八條ニ關スルモノ

日本國全權委員ノ質問ニ對スル回答トシテ「ソヴィエト」社會主義共和國聯邦全權委員ハ日本國船舶及日本國漁船カ海難ノ場合ニ於テ「ソヴィエト」社會主義共和國聯邦ノ沿岸ノ何レノ地點ニモ避難スルノ權利ヲ享有スベキハ勿論ナルコトヲ聲明ス

六 漁業條約第九條ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(一) 「ソヴィエト」社會主義共和國聯邦ノ水域ニ於テ日本國臣民ガ捕獲シ又ハ採取シタル魚類及水產物ノ日本國ハノ輸出ニ關シ要スルコトアルベキ輸出免許以外ノ手續ハ右輸出ニ對シ何等禁止的又ハ制限的性質ノモノタルコトナカルベシ

(二) 前記第九條第三項ニ掲ゲラルル貨物ノ「ソヴィエト」社會主義共和國聯邦ヘノ輸入ニ關シ要スルコトアルベキ輸入免許以外ノ手續ハ右貨物が同條ニ掲ゲラルル品目表中ニ含ま

(7) So far as the burden shall not fall exclusively on Japanese subjects, consumption tax and import duty on things purchased in the Union of Soviet Socialist Republics, as well as taxes and imposts to be levied concerning acts done outside the fishery grounds, shall be regarded to be outside the scope of Article IV of the Fishery Convention and chargeable to Japanese subjects in accordance with general regulations.

The Plenipotentiary of Japan declares that he has no objection thereto.

4. *re Article VI of the Fishery Convention.*

(1) The Plenipotentiaries of the Union of Soviet Socialist Republics declare that the term "nationality" employed in Article VI of the Fishery Convention shall be understood to correspond to "гражданство" and "подданство" of the Russian language.

The Plenipotentiary of Japan declares that he has no objection thereto.

(2) The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics declare that they have agreed as follows:

Taking into consideration that the Japanese subjects having fishery rights have employed and are always ready to employ citizen-workers of the Union of Soviet Socialist Republics, so far as it is

practicable and on equal conditions to those applying to Japanese labourers, the question of employing a certain number of such citizen-workers by the said Japanese subjects shall, when circumstances warrant, be negotiated between the two Governments.

5. *re Article VIII of the Fishery Convention.*

In answer to the inquiry of the Plenipotentiary of Japan, the Plenipotentiaries of the Union of Soviet Socialist Republics declare that, as a matter of course, Japanese vessels and boats shall, in care of stress at sea, enjoy the right of refuge at any point of the coast of the Union of Soviet Socialist Republics.

6. *re Article IX of the Fishery Convention.*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare:

(1) The formalities other than export-licence, which may be required concerning the exportation to Japan of fish and aquatic products caught or taken by Japanese subjects in the waters of the Union of Soviet Socialist Republics, shall not be of any prohibitive or restrictive character against such exportation.

(2) The formalities other than import-licence, which may be required concerning the importation into the Union of Soviet Socialist Republics of goods

ルル限り右輸入ニ對シ何等禁止的又ハ制限的性質ノモノタルコトナカルベシ

(三) 魚類及水産物ノ日本國臣民ニ依ル輸出ニシテ(一)ニ掲ゲラルモノ以外ノモノニ關シ要スルコトアルベキ手續ハ簡易ノモノタルベシ

(四) 漁業權ヲ有スル日本國臣民ハ魚類及水産物ガ「ソヴィエト」社會主義共和國聯邦ヨリ輸出セラルコトニ定マレルモノナル限り漁業權ヲ有スル他ノ日本國臣民又ハ「ソヴィエト」社會主義共和國聯邦ノ人民若ハ各種ノ企業ヨリ右魚類及水産物ヲ購入シ又ハ之ニ販賣スルコト自由タルベシ

(五) 漁業權ヲ有スル日本國臣民ガ其ノ魚類及水産物ヲ「ソヴィエト」社會主義共和國聯邦ノ國內市場ノ爲ニ大量取引ヲ以テ販賣セント欲スルトキハ毎營業年度ニ於ケル右販賣及其ノ數量ニ關シ「ソヴィエト」社會主義共和國聯邦ノ權限アル地方官憲ト取極ヲ爲スベシ右日本國臣民ガ右魚類及水産物ヲ地方住民ニ販賣スル場合ノ如ク個個ニ行フ少量取引ニ付テハ右取極ヲ要スルコトナカルベシ

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

七 漁業條約第九條及第十條ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ漁業條約第九條及第十條ノ規定ハ日本國臣民ヲシテ密輸出入ヲ防止スル爲適當ナル措置ノ適用ヲ毫モ免レシメザルハ勿論ナルコトヲ聲明ス

日本國全權委員ハ右ト同一ノ意見ヲ有スルコトヲ聲明ス

八 漁業條約第十三條及議定書乙ニ關スルモノ

日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ漁業條約第十三條ノ規定及同條約附屬議定書乙ノ規定ハ議定書甲第十六條ニ掲ゲラルル者ニ對シ何等ノ適用ナク、右ノ者ニ付テハ勞働ノ保護及規律ニ關シ制定セラレ又ハ制定セラルルコトアルベキ法令及規則ガ總テ適用セラルルコトヲ約ス

mentioned in the third paragraph of the above-mentioned Article, shall not be of any prohibitive or restrictive character against such importation, so far as these goods are included in the list mentioned in the said Article.

(3) The formalities which may be required concerning the exportation, other than that mentioned in Paragraph (1), by Japanese subjects of fish and aquatic products shall be of summary order.

(4) Japanese subjects having fishery rights are at liberty to buy or sell fish and aquatic products, to or from other Japanese subjects having fishery rights, or citizens or various enterprises of the Union of Soviet Socialist Republics, so far as such fish and aquatic products are destined for export from the Union of Soviet Socialist Republics.

(5) When Japanese subjects having fishery rights desire to sell their fish and aquatic products in mass transactions for the home market of the Union of Soviet Socialist Republics, they shall enter into an arrangement regarding the said sale and its amount in each business year, with the competent local authorities of the Union of Soviet Socialist Republics; such an arrangement shall not be required with regard to the transactions of small amount carried out individually

by the said Japanese subjects, as when selling such fish and aquatic products to the local population.

The Plenipotentiary of Japan declares that he has no objection thereto.

7. *re Articles IX and X of the Fishery Convention.*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare that the provisions of Articles IX and X of the Fishery Convention do not, as a matter of course, in any degree exempt Japanese subjects from the application of proper measures for the prevention of smuggling.

The Plenipotentiary of Japan declares that he shares the same opinion.

8. *re Article XIII of the Fishery Convention and the Protocol (B).*

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics agree that the provisions of Article XIII of the Fishery Convention and those of the Protocol (B) attached thereto have no application to the persons, mentioned in Article 16 of the Protocol (A), with regard to whom the laws and regulations which are or may be enacted regarding the protection and regulation of labour shall be wholly applied.

九 議定書(甲)第一條ニ關スルモノ

日本國及「ソヴエト」社會主義共和國聯邦ノ全權委員ハ議定書(甲)第一條ニ掲ゲラルル特定ノ入江ニ關シ將來ノ誤解ヲ防グ爲右入江ノ精確ナル境界ヲ示ス地圖ヲ本最終議定書ニ添附スルコトニ同意セルコトヲ聲明ス

十 議定書(甲)第三條ニ關スルモノ

日本國及「ソヴエト」社會主義共和國聯邦ノ全權委員ハ左ノ如ク協定セルコトヲ聲明ス

(一) 「黒龍江海灣(「リヤン」)」ナル語ハ左ノ境界内ニ包含セラルル水域ヲ表示ス

北ハ「ベトロフスコエ」沙嘴ヨリ「チャウノ」岬ニ引キタル直線

南ハ「ラザレン」岬ヨリ「ボゴビ」岬ニ引キタル直線

西ハ「ソヴエト」社會主義共和國聯邦ノ極東地方ノ海岸線

東ハ北「サガレン」ノ海岸線

(二) 議定書(甲)第三條(二)ニ掲ゲラルル國籍ニ關スル制限ハ支配人、監督者等ノ如キ労働者ノ部類ニ屬セザル者ニ對シ

適用セラルベカラザルハ勿論トス

(ロ) 一年ヲ超ユル期間ヲ以テ漁區ノ貸付ヲ受ケタル日本國臣民ハ右漁區ヨリ半「ヴェルスト」ヲ超ユル距離ニ在ル場所ニ於テ一年未満ノ期間ヲ以テ魚類ノ加工ニ使用セラルベキ陸上區域ノ貸付ヲ受クルコトヲ得右陸上區域及一年

未満ノ期間ヲ以テ貸付セラレタル漁區ニ於テハ同所ニ於テ使用セラルル労働者ニシテ實際漁撈ニ従事セザルモノノ國籍ニ付何等ノ制限ヲ加フルコトナカルベシ

十一 議定書(甲)第八條ニ關スルモノ

「ソヴエト」社會主義共和國聯邦全權委員ハ議定書(甲)第八條ノ規定ハ自然力ニ原因スル漁區ノ閉鎖ノ場合ニ適用ナカルベキハ勿論ナルコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

十二 議定書(甲)第十一條ニ關スルモノ

日本國及「ソヴエト」社會主義共和國聯邦ノ全權委員ハ日本國臣民ガ捕獲シタル鮭鱒族ノ魚類ノ總高中百分ノ六十以下ハ

9. *re Article I of the Protocol (A).*

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics declare that, in order to prevent future misunderstandings regarding certain inlets mentioned in Article 1 of the Protocol (A), they have agreed to annex to the present Final Protocol the maps showing the precise boundaries of the said inlets.

10. *re Article 3 of the Protocol (A).*

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics declare that they have agreed as follows:

(1) The term "the Liman of the Amur" indicates the extent of waters contained in the following boundaries:

In the North—a straight line drawn from Petrovskoe Spit to Cape Tshauo;

In the South—a straight line drawn from Cape Lazarev to Cape Pogobi;

In the West—the coast-line of the Far Eastern District of the Union of Soviet Socialist Republics;

In the East—the coast-line of Northern Sakhalien.

(2) (a) It goes without saying that the restrictions regarding nationality mentioned in Paragraph (2)

of Article 3 of the Protocol (A) are not to be applied to persons who do not come within the category of workmen, such as managers, overseers, etc.

(b) The Japanese subjects who have obtained the lease of fishery lots for more than one year may obtain for a period of less than one year the lease of landed areas to be used for the preparation of fish, in the localities situated over one half verst from these fishery lots. In these landed areas and in fishery lots leased for less than one year, no restrictions shall be imposed as to the nationality of workmen employed there and not engaged in the actual fishing.

11. *re Article 8 of the Protocol (A).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare that, as a matter of course, the provisions of Article 8 of the Protocol (A) shall not apply to cases of closing fishery lots, caused by elemental forces.

The Plenipotentiary of Japan declares that he has no objection thereto.

12. *re Article 11 of the Protocol (A).*

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics agree that of the total amount

之ヲ撒漚法ニ依リ加工シ得ルコト及鱒ヨリノ肥料ハ日本國臣民ニ貸付セラルベキ十箇ノ漁區ニ於テ之ヲ製造シ得ルコトヲ約ス

十三 議定書(甲)第十三條ニ關スルモノ

日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ三馬力以下ノ發動機ヲ具フル漁船ハ議定書(甲)第十三條前段ニ掲ゲラルル漁船(「リュボロヴヌイェ、ロドッキ」)ノ部類ニ屬スルコトヲ約ス

十四 議定書(甲)第十七條ニ關スルモノ

(一) 「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(1) 各漁區ニ付定メラルベキ漁獲標準高ハ當該漁區(該漁區ガ既ニ經營セラレタル場合)又ハ當該漁區(該漁區ガ新ニ開カレタル場合)ニ最近キ漁區ノ過去ニ於ケル實際ノ漁獲高ヲ先ヅ考慮シテ之ヲ決定ス從テ日本國臣民ガ右ニ依リ決定セラレタル標準高ノ變更ヲ詳細ナル理由ヲ具シテ申請スル場合ニ於テハ「ソヴィエト」社會主義共和國聯邦ノ官憲ハ右申請ニ對シ相當ノ考慮ヲ加ヘ理由アリト認メタルトキハ右標準高ヲ變更スルニ必要ナル措置ヲ執ルベシ

of fish of the salmon tribe caught by Japanese subjects, no more than sixty per cent may be prepared in the "bara" method, and that manure from herrings may be made in ten fishery lots to be leased to Japanese subjects.

13. *re Article 13 of the Protocol (A).*

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics agree that fishing boats provided with motors up to three horse-power belonging to the category of the fishing boats (rybolovnye lodki) mentioned in the first part of Article 13 of the Protocol (A).

14. *re Article 17 of the Protocol (A).*

(1) The Plenipotentiaries of the Union of Soviet Socialist Republics declare:

(a) The standard amount of catch, which will be established with regard to each fishery lot, is determined first of all by taking into consideration the actual amount of fish caught in the past either in the fishery lot (in case it has already been operated) or in the lot lying in the nearest proximity thereto (in case the lot in question has been newly opened): when, therefore, Japanese subjects shall have made an application, with a detailed statement of reasons, for the alteration of the standard amount thus determined, the authorities of the Union of Soviet

(ロ) 或漁區ニ於ケル漁獲總高ガ割當テラレタル標準高ニ達スルニ先チタル最後ノ揚網ノ結果トシテ右標準高ヲ超過スル場合ニ於テハ右超過高ハ適法ノ漁獲ト看做サルベシ

(二) 議定書(甲)第十七條第二項ニ掲ゲラルル建網ニ關シ日本國全權委員ハ「建網」ナル語ハ通常ノ建網及中拔網ノミナラス所謂改良網ヲモ指スト主張スルニ對シ「ソヴィエト」社會主義共和國聯邦全權委員ハ主義ニ於テ日本國全權委員ノ主張ニ反對セズ、日本國臣民ニ依ル改良網ノ使用ハ該使用ガ「ソヴィエト」社會主義共和國聯邦ノ國營「コロヘラチツ」又ハ私ノ漁業企業ノ何レカニ許サルルトキ自動的ニ許サルベキコトヲ聲明ス

十五 議定書(甲)第十九條ニ關スルモノ

(一) 日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ議定書(甲)第十九條第一項ニ規定セラルル期間ハ漁業條約ノ實施前地方農民及地方漁民ニ對シ競賣ニ依ラズシテ許與セラレタル漁區ニ適用ナキコトヲ約ス

15. *re Article 19 of the Protocol (A).*

(1) The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics agree that the periods of time provided by the first paragraph of Article 19 of the Protocol (A) have no application to those fishery lots

which were granted without auction to local peasants and fishermen before the coming into force of the Fishery Convention.

(2) Regarding the provisions of the first paragraph of Article 19 of the Protocol (A), the Plenipotentiaries of the Union of Soviet Socialist Republics declare:

According to the first paragraph of Article 19 of the Protocol (A), the fishery lots for which there shall have been no bidder at auction for more than three successive years, may be granted without auction on lease to local peasants and fishermen; however, considering that the appraisalment by the competent authorities of the Union of Soviet Socialist Republics of a fishery lot at auction is to be determined by taking into account the economic value of the lot and the existing royalty either of the said lot (in case it has already been operated) or of neighbouring lots (in case the lot in question has newly been opened), and also considering that bidders in determining their bidding price take into account the same factors, the Government of the Union of Soviet Socialist Republics reserves the right to hold a lot or lots as open to lease without auction of local peasants and fishermen, even when there shall have been actual bidders, provided their bidding price shall have been notably at variance with the appraisalment determined by the competent authorities of the

(二) 議定書(甲)第十九條第一項ノ規定ニ關シ「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

議定書(甲)第十九條第一項ニ依レバ引續キ三年ヲ超ユル期間中競買人ナキ漁區ハ競賣ニ依ラズシテ之ガ貸付ヲ地方農民及地方漁民ニ許與スルコトヲ得ルモ競賣ニ於テ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ノ定ムル漁區ノ評價額ハ該漁區ノ經濟上ノ價值及該漁區(該漁區ガ既ニ經營セラレタル場合)又ハ附近ノ漁區(該漁區ガ新ニ開カレタル場合)ノ當時ノ報償金ヲ考慮シテ決定セラルベキモノナルニ鑑ミ且競買人ガ其ノ申込價格ヲ決定スルニ當リ同一要素ヲ考慮スルニ鑑ミ「ソヴィエト」社會主義共和國聯邦政府ハ一箇又ハ數箇ノ漁區ニ對シ實際ニ競買人アル場合ニ於テモ其ノ申込價格ガ前記基礎ニ依リ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ガ決定シタル評價額ト著シク差異アルトキハ右漁區ヲ競賣ニ依ラズシテ地方農民及地方漁民ニ貸付シ得ルモノト看做スノ權利ヲ留保ス

本聲明ハ「ソヴィエト」社會主義共和國聯邦ノ權限アル官憲ガ個個ノ漁區ニ付公正ナル評價額ヲ決定スルノ權利ヲ毫モ制限スルモノニ非ズト解セラルベキハ勿論トス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

(三) 「ソヴィエト」社會主義共和國聯邦全權委員ハ議定書(甲)第十九條ノ規定ハ同條末項ニ掲ゲラルル地方農民又ハ地方漁民ガ單獨ニ又ハ自己ノ家族ト共ニ自ラ漁業ニ従事スル場合ニ於テ二人以下ノ勞働者ヲ使用スルヲ妨ゲザルコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

十六 議定書(乙)ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ被使用者ガ希望スルニ於テハ使用者ガ被使用者ニ支拂ハルベキ一切ノ種類ノ賃銀及特別給與ヲ日本國ニ於テ支拂フコトヲ得ルハ勿論ナルコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

Union of Soviet Socialist Republics on the aforementioned bases.

It goes without saying that the present declaration shall not be held to restrict in any degree the right of the competent authorities of the Union of Soviet Socialist Republics to determine the equitable appraisalment of individual fishery lots.

The Plenipotentiary of Japan declares that he has no objection thereto.

(3) The Plenipotentiaries of the Union of Soviet Socialist Republics declare that the provisions of Article 19 of the Protocol (A) shall not prevent the local peasants or fishermen mentioned in the last paragraph of the said Article from employing workmen up to two persons when engaged in fishery by themselves individually or with their own family.

The Plenipotentiary of Japan declares that he has no objection thereto.

16. *re Paragraph (2) of the Protocol (B).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare that if the employee so desires, the employer may of course pay in Japan the wages of all kinds as well as the extra pay due to the employee.

The Plenipotentiary of Japan declares that he has no objection thereto.

十七 議定書(乙)(三)ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ左ノ如ク聲明ス

(一) 日本人ノ漁場ニ於ケル追加勞働ノ賃銀ハ漁業ノ平常ノ狀態ノ下ニ於テハ概シテ全漁季ニ對スル基本賃銀ノ百分ノ五十二ニ相當スベシトノ見解ニ對シ何等ノ異議ナカルベシ

(二) 右(三)ニ掲ゲラルル「勞働人民委員部ノ地方機關」ナル語ハ「ハバロフスク」ニ在ル機關ヲ指シ又「ソヴィエト」社會主義共和國聯邦政府ハ右機關ニ對シ日本人ノ漁業企業ニ最有利ナル條件ヲ以テ該企業ト右(三)ニ掲ゲラルル取極ヲ爲スコトヲ命ズル必要ナル訓令ヲ發スベシ

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

十八 議定書(乙)(四)ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ右(四)ノ(ニ)掲ゲラルル三種ノ保險ノ全部ニ對スル保険料ハ被使用者ニ支拂ハルベキ賃銀ノ百分ノ八・三トシ且將來變更セラルルコトナルベキコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

十九 議定書(乙)ニ關スルモノ

「ソヴィエト」社會主義共和國聯邦全權委員ハ漁業條約第一條ニ特定セラルル地方ニ於ケル日本人ノ漁業企業ハ本最終議定書ニ附屬スル該企業ニ對スル模範規則ヲ内部管理規則ヲシテ採用スルヲ得ルコトヲ聲明ス

日本國全權委員ハ右ニ對シ何等ノ異議ナキコトヲ聲明ス

第二部

日本國及「ソヴィエト」社會主義共和國聯邦ノ全權委員ハ本日署名セラレタル漁業條約ノ實施ト同時ニ千九百二十五年一月二十日締結セラレタル北京條約第三條第一項ノ規定ハ完全ニ實行セラレタルモノト又千九百七年ノ漁業協約ハ爾後何等ノ效力ナキモノト看做サルベキコトヲ約シタリ

千九百二十八年一月二十三日「モスコ」市ニ於テ英吉利語ヲ以テセル本書ニ通ニ署名セリ

田 中 都 吉
エ ル、 カ ラ ハ ン
エ ム、 ラ ツ イ ス

17. *re Paragraph (3) of the Protocol (B).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare:

(1) There shall be no objection to the view that the wages for additional work on Japanese fishery grounds shall, under normal conditions of the industry, correspond in general to fifty per cent of the basic wages for a whole fishing season.

(2) The term "the local organs of the People's Commissariat of Labour" mentioned in the said Paragraph, indicates the organs stationed at Khabarovsk, and the Government of the Union of Soviet Socialist Republics shall issue necessary instructions directing these organs to make the arrangement referred to in the said Paragraph, with Japanese fishing enterprises on terms most favourable to the latter.

The Plenipotentiary of Japan declares that he has no objection thereto.

18. *re Paragraph (4) of the Protocol (B).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare that the insurance premium for all the three categories of insurance, mentioned in the section (d) of the said Paragraph, constitutes 8.3 per cent of the wages due to the employees, and may be subject to changes in future.

The Plenipotentiary of Japan declares that he has no objection thereto.

19. *re Protocol (B).*

The Plenipotentiaries of the Union of Soviet Socialist Republics declare that the Japanese fishing enterprises in the districts specified in Article I of the Fishery Convention may adopt for the rules of internal order the Specimen Rules for these enterprises, attached to the present Final Protocol.

The Plenipotentiary of Japan declares that he has no objection thereto.

PART II.

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics have agreed that with the coming into force of the Fishery Convention signed this day, the provisions of the first paragraph of Article 3 of the Convention of Peking concluded on January 20th, 1925, shall be considered as completely executed, and the Fishery Convention of 1907 as of no further force or effect.

Signed in the City of Moscow, in duplicate in the English language, this 23rd day of January, 1928.

T. TANAKA.
I. KARAKHAN.
M. LACIS.

第一附屬書

日本國「ソヴィエト」社會主義共和國聯邦間漁業條約第一條ニ特定セララル地方ニ於ケル日本國臣民ノ漁業企業ニ對スル内部管理ニ關スル模範規則

第一條

各漁場ニ於ケル平常ノ勞働日及特別ノ勞働日ノ始時及終時ハ漁場ノ借受人ト勞働人民委員部ノ權限アル地方機關トノ合意ニ依リ定メララルベシ

第二條

勞働日ノ前記始時及終時ハ鐘、號笛又ハ他ハ同様ノ方法ニ依リ之ヲ被使用者ニ合圖ス

第三條

合圖後十五分ヲ經過シテ就業セザル者及勞働日ノ終時前ニ離業スル者ニ關シテハ右不在ニ對シ相當ノ理由ヲ舉ゲ得ザル限り右不在時間ニ對シ賃銀並ニ「九一」及他ノ形式ノ報酬ヲ削減スルコトヲ得

第四條

正當ノ事由ニ依リ缺勤シ、遅刻シ又ハ勞働日ノ終了前ニ離業セ

ント欲スル被使用者ハ直接ノ上役ニ通知シテ其ノ承諾ヲ得ルコトヲ要ス

第五條

被使用者ハ食事及休息ノ爲ノ中憩時間ヲ與ヘラルベシ

第六條

被使用者ハ其ノ職務ニ關シ管理部及役員ノ一切ノ命令ヲ遂行スルコトヲ要ス

第七條

管理部ハ被使用者間ニ仕事ヲ分配スベシ

第八條

仕事ノ性質上機械、工具及作業用具ヲ取扱フベキ被使用者ハ之ニ對シ適當ノ注意ヲ爲スコトヲ要ス

第九條

管理部ハ機械、工具又ハ作業用具ガ生命及健康ニ對シ何等ノ危險ヲ生ゼザル様配意シ且必要ナル豫防設備ヲ之ニ施スコトヲ要ス右ノ外管理部ハ初テ就業シ又ハ初テ工具、道具等ヲ受クル被使用者ヲシテ其ノ使用法ヲ習得セシメ且右工具、道具等ノ危険ナル部分及作業ノ危険又ハ有害ナル點ヲ右被使用者ニ特ニ警告スルコトヲ要ス

SPECIMEN RULES

of internal Order for the Fishing Enterprises of Japanese Subjects in the Districts specified in Article 1 of the Fishery Convention between Japan and the Union of Soviet Socialist Republics.

Art. 1. The beginning and the end of the normal working day as well as of the special working day in each fishery ground shall be fixed by agreement between the lessee of the fishery ground and the competent local organs of the People's Commissariat of Labour.

Art. 2. The above-mentioned beginning and end of the working day is signalled to the employees by means of a bell, a whistle or in some other similar way.

Art. 3. With regard to those absent from work after the expiration of 15 minutes after the signal, and to those who leave work before the end of the working day, in so far as no good reasons can be adduced for such absence, the wages as well as "kuichi" and other forms of remuneration can be curtailed for the time of absence.

Art. 4. The employees, who wish to be absent or late at work, or leave work before the working day is over,

on account of justifiable causes, must inform their immediate superior and obtain his consent.

Art. 5. Employees are allowed intervals for meals and rest.

Art. 6. Employees must carry out all the orders of the administration and the official concerning their duties.

Art. 7. The administration distributes work among the employees.

Art. 8. The employees, who owing to the nature of their work have to handle machines, tools and appliances for work, must take proper care of them.

Art. 9. The administration must see to it that no machines, tools or appliances for work cause any danger to the life and health, and must provide them with necessary precautionary equipments. Moreover, the administration must train the employees, who for the first time enter into work or receive tools, instruments, etc., to the use of the latter, and particularly warn them of the dangerous parts of such tools, instruments, etc., as well as of the dangerous or harmful features of the industry.

第十條

機械、工具及作業用具ヲ取扱フ被使用者ハ豫防措置ヲ執リ且最注意シテ之ヲ取扱フコトヲ要ス

第十一條

工具、機械及作業用具竝ニ其ノ作業ヲ安全ナラシムル手段ガ不良ト爲リ又ハ不適當ト爲リタル場合ニ於テハ被使用者ハ直ニ之ヲ其ノ上役ニ通知スルコトヲ要ス

第十二條

就業中被使用者ニ何等カノ事故生ジタルトキハ右被使用者ハ直ニ之ヲ其ノ直接ノ上役ニ通知シ且醫療ヲ受クル爲醫療所ニ赴クコトヲ要ス負傷者ガ自ラ之ヲ爲スコト能ハザル場合ニ於テハ其ノ同僚タル勞働者ハ直ニ管理部ニ通知スルコトヲ要シ管理部ハ直ニ右負傷者ヲ醫療所ニ送り且之ト同時ニ事故ノ起リタル當該作業ニ關シ一切ノ可能ナル豫防措置ヲ執ルベシ

第十三條

勞働人民委員部ノ特別規則ニ依リ豫見セラルル作業ノ部門ニ於ケル被使用者ニハ特別ノ衣服及履物竝ニ豫防具ヲ支給スルコトヲ要ス極東地方ノ漁業ニ於ケル右作業ノ部門ニシテ右特別ノ物品ヲ支給セラルベキモノ竝ニ右物品ノ種類及數量ハ勞働人民委員部ノ權限アル地方機關ノ承認ヲ經ルノ條件ノ下ニ漁場ノ借受人ニ依リ決定セラルベシ

第十四條

被使用者ニ對シテハ左ノ事項ヲ禁止ス

- (イ) 喫煙ヲ禁ズル旨ノ揭示アル場所ニ於テ喫煙スルコト
- (ロ) 何等ノ必要ナキ場合ニ作業ノ種類ヲ變更スルコト
- (ハ) 定規ニ反シ機械、工具及作業用具ヲ濫ニ使用スルコト
- (ニ) 就業中骨牌ヲ弄ビ、惡口シ及喧嘩スルコト
- (ホ) 酩酊ノ狀態ニ於テ就業スルコト
- (ヘ) 管理部ノ許可ナクシテ就業時間中及他ノ時間ニ於テ自己ノ消費ノ爲ニ魚類ニ加工シ竝ニ加工シタル魚類ヲ自己ノ需要ニ供スルコト

第十五條

管理部ハ企業ノ必要ナル場所ニ手洗ノ爲ノ石鹼ヲ具フル洗面臺ヲ設置スルコトヲ要ス

Art. 10. The employees handling machines, tools and appliances for work must take measures of precaution, and handle them with the utmost care.

Art. 11. In case any tools, machines and appliances for work as well as the means safe-guarding the work thereof, become deteriorated or are rendered unfit, the employees must immediately inform of it their superior official.

Art. 12. In case of any accident to an employee in the course of his work, he must immediately inform of it his immediate superior and render himself to the ambulance for medical assistance. If the injured man is unable to do so himself, his fellow-workers must immediately inform the administration, which shall send him to the ambulance at once and at the same time adopt all possible measures of precaution with regard to the particular work, where the accident took place.

Art. 13. Employees in those branches of work which are foreseen by special regulations of the People's Commissariat of Labour, must be given special attire and footwear as well as precautionary appliances. Such branches of work in the fisheries of the Far Eastern District, where these special objects shall be given out, as well as the kind and amount of such objects, are to

be determined by the lessee of fishery grounds, subject to approval by the competent local organs of the People's Commissariat of Labour.

Art. 14. It is forbidden to employees:

- (a) to smoke in a place where there is a notice prohibiting smoking,
- (b) to change one kind of work for another, when there is no necessity to do so,
- (c) to use arbitrarily machines, tools and appliances for work contrary to established rules,
- (d) to play cards while working, to swear, and to quarrel,
- (e) to work while in a state of drunkenness,
- (f) to prepare fish for their own consumption both in working hours and at other times, as well as to use prepared fish for their own necessity, without a corresponding permission from the administration.

Art. 15. At necessary places of the enterprise, the administration must set up wash-stands provided with soap for washing hands.

第十六條

住宅ノ附近及他ノ便利ナル場所ニハ充分ナル數ノ洗面器ヲ備附ケ之ヲ清潔ニ保チ且整頓シ置クコトヲ要ス

第十七條

管理部ハ就業ノ場所及被使用者ノ住宅ニ充分ナル數ノ便所ヲ設置シ之ヲ整頓シ且清潔ニ保ツコトヲ要ス右用途ニ充テラレザル他ノ一切ノ場所ハ之ヲ使用スルコトヲ禁ズ

第十八條

管理部ハ漁場ヲ清潔ニ保タルル様配意シ且衛生上ノ一切ノ必要ナル措置ヲ執ルコトヲ要ス被使用者ハ同様ニ其ノ就業スル場所ヲ清潔ニ保ツノ責任ヲ負フベシ

第十九條

被用者ハ自己ノ健康ノ爲一切ノ衛生規則及一切ノ労働保護規則ヲ遵守スルコトヲ要ス右規則ハ見易キ場所ニ揭示セラルヘシ

第二十條

天災ニ伴フ労働ハ企業ノ一切ノ被使用者ニ對シ義務的ニシテ管理部ノ要求アリ次第其ノ實行セラルベキ時ノ如何ヲ問ハズ之ヲ遂行スルコトヲ要ス

第二十一條

本規則ハ一方被使用者ト他方管理部トノ合意ニ依リ且労働人民委員部ノ權限アル機關ノ承認ヲ經ハノ條件ノ下ニ之ヲ補足シ又ハ修正スルコトヲ得

第二十二條

内部管理規則ハ一般ニ知ラシムル爲見易キ場所ニ日本語及露西亞語ヲ以テ之ヲ揭示スルコトヲ要ス

第二附屬書

左ノ境界ヲ示ス地圖

- (一) 「メチグメ」灣
- (二) 「コニヤム」灣、「ノボレシニフ」灣(「カラガン」灣)及「ルミレート」灣
- (三) 「セント、バヴラ」灣
- (四) 「カラーガ」灣
- (五) 「バロン、コルフ」灣ノ北部
- (六) 「ベチヴィンスカ」灣
- (七) 「ミルカチンスキー」灣及「ヤムスカヤ」灣
- (八) 「アヤン」灣
- (九) 「コンスタンチン」太公灣
- (十) 「クレストヴァ」灣

Art. 16. A sufficient number of wash-basins must be provided with near the dwellings and at other convenient places, which must be kept clean and in proper order.

Art. 17. At working places as well as at the dwellings of employees, the administration must set up a sufficient number of lavatories which must be kept in good order and clean. It is forbidden to use any other places not intended for this purpose.

Art. 18. The administration must see to it that the fishery grounds be kept clean and take all necessary measures of sanitation. Employees are likewise responsible for the cleanliness of the premises, where they work.

Art. 19. For the sake of their own health, the employees must observe all sanitary rules and all labour protection rules, which are to be posted in a conspicuous place.

Art. 20. The work connected with elemental calamities is obligatory on all the employees of the enterprise and must be carried out at the first demand of the administration, irrespective of the time when it has to be fulfilled.

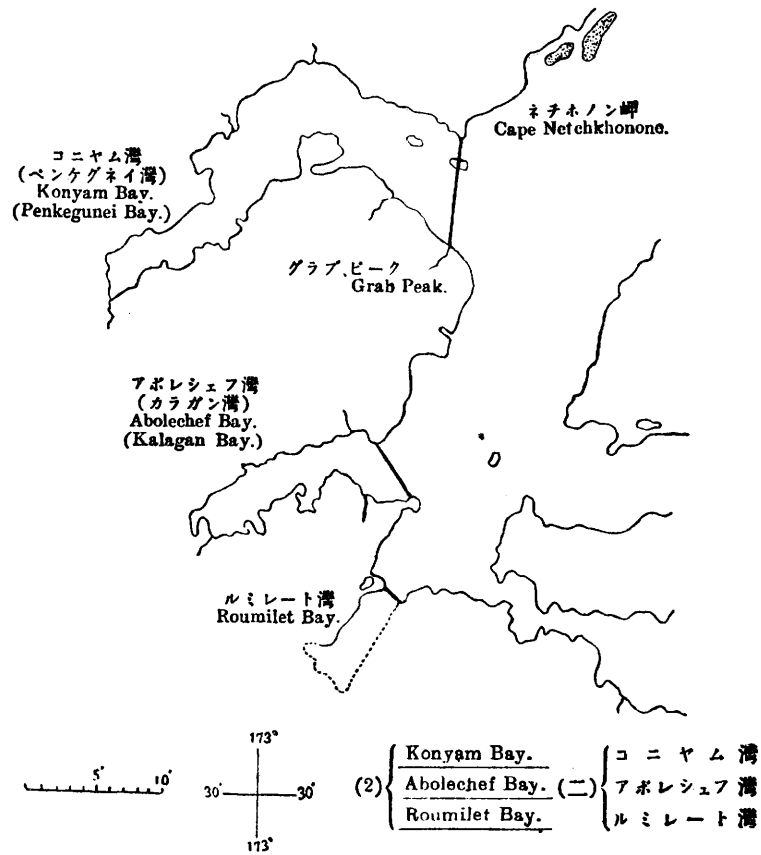
Art. 21. The present rules may be complemented or amended by agreements between employees on one hand and the administration on the other, subject to approval by the competent organs of the People's Commissariat of Labour.

Art. 22. The rules of internal order must be posted both in Japanese and in Russian in a conspicuous place for general information.

Annex No. 2.

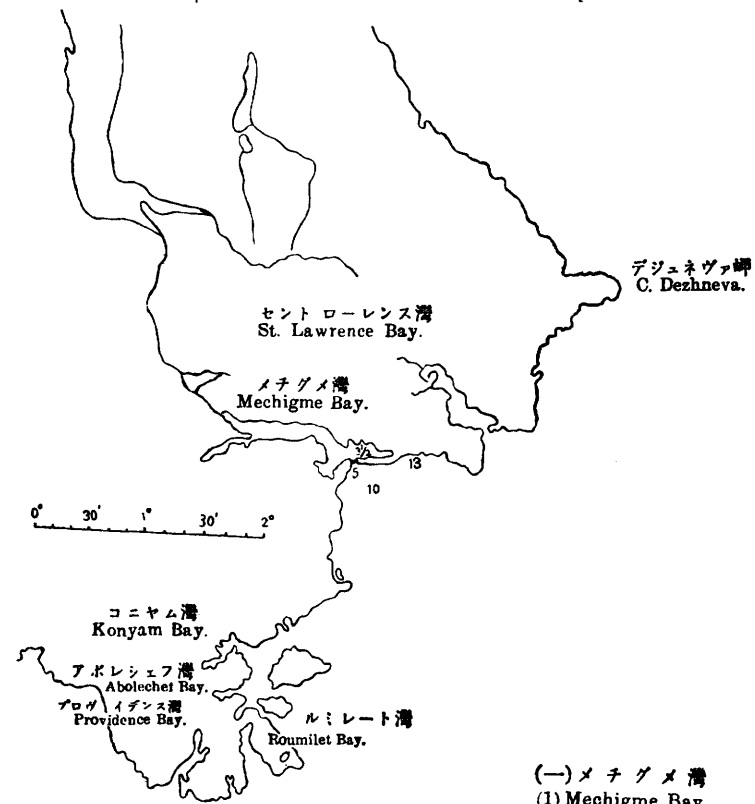
MAPS SHOWING THE BOUNDARIES OF :

- (1) Mechiyeme Bay.
- (2) Konyam Bay, Abolchek Bay (Kalagan Bay) and Rounilet Bay.
- (3) St. Pavla Bay.
- (4) Karaga Harbour.
- (5) Northern portion of Baron Korfa Gulf.
- (6) Bechevinska Bay.
- (7) Milkachinsky Bay and Iamskaia Bay.
- (8) Aian Bay.
- (9) Grand Duke Constantine Bay.
- (10) Krestovaya Bay.

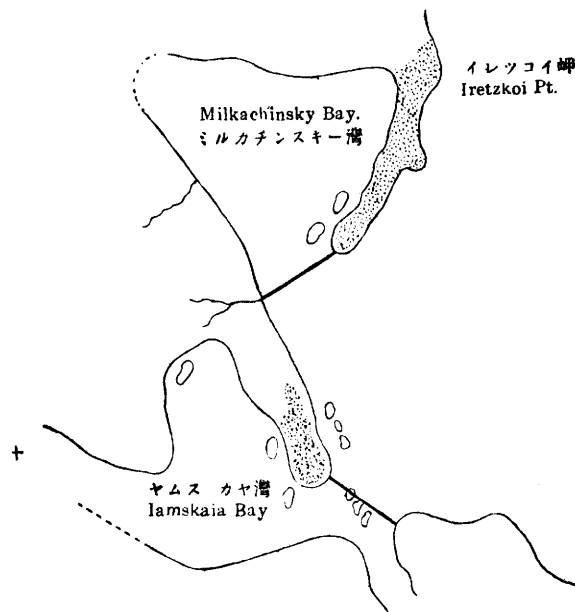


See the British Chart No. 2071.
英國海圖第二千七十一號參照

日本國「ソヴィエト」社會主義共和國聯邦間漁業條約附屬最終議定書第二附屬書
Annex No. 2 to the Final Protocol attached to the Fishery Convention
between Japan and the Union of Soviet Socialist Republics.

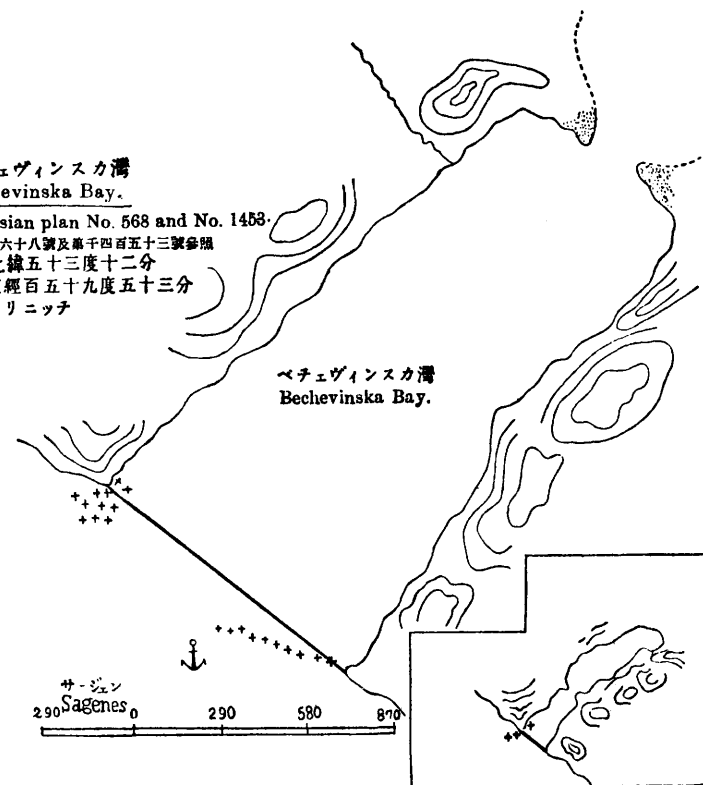


See the British Chart No. 2069.
英國海圖第二千六十九號參照



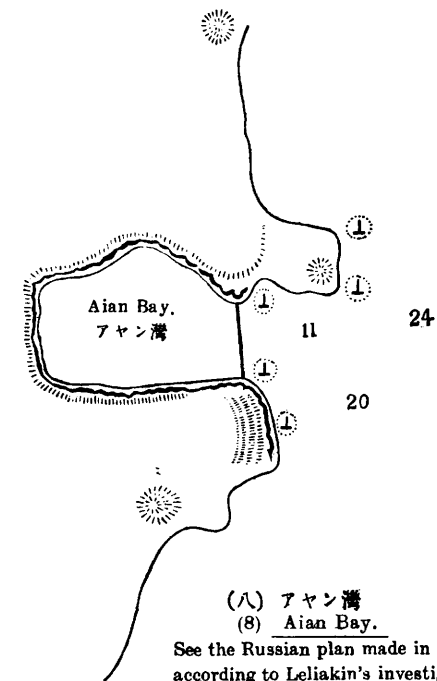
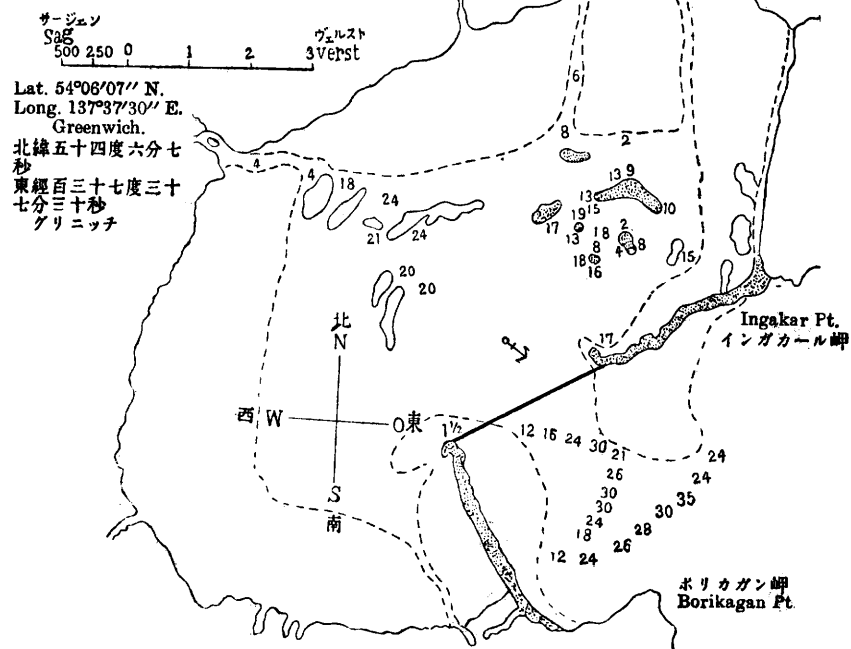
Scale: 1 inch = 10 miles.
 梯尺: 一インチ = 十マイル (七) { Milkachinsky Bay.
 { Iamskaia Bay.
 See the Russian plan made in 1906 according to Leliakin's investigation
 1895—1898.
 千八百九十五年乃至千八百九十八年ニ於ケル「レリヤキン」ノ調査ニ依リ
 千九百六年ニ作製セラレタル露國圖面參照

(六) ベチエヴィンスカ灣
 (6) Bechevinska Bay.
 See the Russian plan No. 568 and No. 1453.
 露國圖面第五百六十八號及第千四百五十三號參照
 Lat. 53°12' N. 北緯五十三度十二分
 Long. 159°53' E. 東經百五十九度五十三分
 Greenwich. グリニッチ



(九) コンスタンチン大公湾
(9) Grand Duke Constantine Bay.

See the Russian Chart No. 1426.
露國海圖第千四百二十六號參照



Scale: 1 inch = 10 miles.
梯尺: 一インチ = 十マイル

See the Russian plan made in 1906
according to Leliakin's investigation 1895-1898.
千八百九十五年乃至千八百九十八年ニ於ケル「レリ
ヤキン」ノ調査ニ依リ千九百六年ニ作製セラレタル
露國圖面參照

交換公文

第一號

(來翰)

以書翰啓上致候陳者本日署名セラレタル「ソヴィエト」社會主義共和國聯邦日本國間漁業條約第四條ノ規定及同條約附屬議定書(甲)第九條ノ規定ニ關シ本全權委員ハ本國政府ノ爲ニ左ノ如ク聲明スルノ光榮ヲ有シ候

「ソヴィエト」社會主義共和國聯邦ノ極東水域ニ於ケル日本國臣民ノ漁業ノ特質ニ鑑ミ「ソヴィエト」社會主義共和國聯邦政府ハ日本國臣民ニ課セラルベキ營業稅竝ニ議定書(甲)第九條七及九ニ掲ゲラルル稅金及手数料ハ當該漁區ノ貸付ニ對スル報償金ノ百分ノ二十八ニ相當スル抵代稅ノ形式ニ於テ支拂ハルベク該支拂ハ右報償金ト同時ニ且同一方法ニ依リ爲サルベキコトニ同意ス

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具
千九百二十八年一月二十三日「モスコ」ニ於テ

エル、カラハン

日本國全權委員田中都吉殿

第一號

(往翰)

以書翰啓上致候陳者本全權委員ハ貴全權委員ヨリノ本日附ノ左ノ書翰ヲ受領スルノ光榮ヲ有シ候

以書翰啓上致候陳者本日署名セラレタル「ソヴィエト」社會主義共和國聯邦日本國間漁業條約第四條ノ規定及同條約附屬議定書(甲)第九條ノ規定ニ關シ本全權委員ハ本國政府ノ爲ニ左ノ如ク聲明スルノ光榮ヲ有シ候

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本全權委員ハ日本國政府ガ右書翰ニ全然同意スルコトヲ本國政府ノ爲ニ陳述スルノ光榮ヲ有シ候

NOTES EXCHANGED.

No. 1.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

With regard to the provisions of Article IV of the Fishery Convention between the Union of Soviet Socialist Republics and Japan signed this day as well as those of Article 9 of the Protocol (A) attached thereto, I have the honour on behalf of my Government to declare as follows:

In view of the special features of the fishery industry of Japanese subjects in the Far Eastern waters of the Union of Soviet Socialist Republics, the Government of the Union of Soviet Socialist Republics agrees that the business tax, together with the taxes and fees mentioned in Paragraphs (7) and (9) of Article 9 of the Protocol (A), chargeable to Japanese subjects, shall be paid in the form of a commutation tax amounting to 28 per cent of the royalty for the lease of their respective fishery lots, which payment shall be made at the same time and in the same manner as the said royalty.

I avail myself of this opportunity to convey to you, Monsieur le Plénipotentiaire, the assurances of my highest consideration.

L. Karakhan.

Monsieur Tokichi Tanaka,
Plénipotentary of Japan,
etc., etc.

No. 1.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to acknowledge the receipt of the following Note from you, under this date:

"Monsieur le Plénipotentiaire,

With regard to the provisions of Article IV of the Fishery Convention between the Union of Soviet Socialist Republics and Japan signed this day as well as those of Article 9 of the Protocol (A) attached thereto, I have the honour on behalf of my Government to declare as follows:

In view of the special features of the fishing industry of Japanese subjects in the Far Eastern waters of the Union of Soviet Socialist Republics, the Government of the Union of Soviet Socialist Republics agrees that the business tax, together with the taxes and fees mentioned in Paragraphs (7) and (9) of Article 9 of the Protocol (A), chargeable to Japanese subjects, shall be paid in the form of a commutation tax amounting to 28 per cent of the royalty for the lease of their respective fishery lots, which payment shall be made at the same time and in the same manner as the said royalty."

On behalf of my Government, I have the honour to state that the Japanese Government agrees entirely with the said Note.

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具
千九百二十八年一月二十三日「モスコ」ニ於テ

田 中 都 吉

「ソヴィエト」社會主義共和國聯邦全權委員「レフ・カラハン」殿

第二號

(來翰)

以書翰啓上致候陳者本日署名セラレタル「ソヴィエト」社會主義共和國聯邦日本國間漁業條約附屬最終議定書第一部一(乙)ノ規定ニ關シ本全權委員ハ右規定ガ「ソヴィエト」社會主義共和國聯邦ノ國營企業ニ對シ必要ナル漁區ヲ漁業條約ノ存續期間中確保スルニ鑑ミ右企業ハ漁業條約ノ存續期間中漁區ノ競賣ニ直接又ハ間接ニ参加セザルノミナラズ競賣ニ依リ私人又ハ私企業ニ貸付セラレタル漁區ヲ經營セザルコトヲ本國政府ノ爲ニ貴全權委員ニ通告スルノ光榮ヲ有シ候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具

千九百二十八年一月二十三日「モスコ」ニ於テ

エル・カラハン

日本國全權委員田中都吉殿

第二號

(往翰)

以書翰啓上致候陳者本全權委員ハ貴全權委員ヨリノ本日附ノ左ノ書翰ヲ受領スルノ光榮ヲ有シ候
以書翰啓上致候陳者本日署名セラレタル「ソヴィエト」社會主義共和國聯邦日本國間漁業條約附屬最終議定書第一部一(乙)ノ規定ニ關シ本全權委員ハ右規定ガ「ソヴィエト」社會主義共和國聯邦ノ國營企業ニ對シ必要ナル漁區ヲ漁業條約ノ存續期間中確保スルニ鑑ミ右企業ハ漁業條約ノ存續期間中漁區ノ競賣ニ直接又ハ間接ニ参加セザルノミナラズ競賣ニ依リ私人又ハ私企業ニ貸付セラレタル漁區ヲ經營セザルコトヲ本國政府ノ爲ニ貴全權委員ニ通告スルノ光榮ヲ有シ候

I avail myself of this opportunity to convey to you,
Monsieur le Plénipotentiaire, the assurances of my highest
consideration.

T. Tanaka.

Monsieur Lev Karakhan,
Plénipotentary of the Union
of Soviet Socialist Republics,
etc., etc.

No. 2.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

With regard to the provisions of Section (B) of Paragraph 1 in Part I of the Final Protocol attached to the Fishery Convention between the Union of Soviet Socialist Republics and Japan signed this day, I have the honour to notify you on behalf of my Government that, in view of the said provisions ensuring the state enterprises of the Union of Soviet Socialist Republics necessary fishery lots for the duration of the Fishery Convention, the said enterprises shall, for the duration of the Fishery Convention, abstain not only from participating directly or indirectly in the auction of fishery lots, but also from operating fishery lots leased by auction to private persons or enterprises.

I avail myself of this opportunity to convey to you,

Monsieur le Plénipotentiaire, the assurances of my highest
consideration.

L. Karakhan.

Monsieur Tokichi Tanaka,
Plénipotentary of Japan,
etc., etc.

No. 2.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to acknowledge the receipt of the
following Note from you, under this date:

“Monsieur le Plénipotentiaire,

With regard to the provisions of Section (B) of Paragraph 1 in Part I of the Final Protocol attached to the Fishery Convention between the Union of Soviet Socialist Republics and Japan signed this day, I have the honour to notify you on behalf of my Government that, in view of the said provisions ensuring the state enterprises of the Union of Soviet Socialist Republics necessary fishery lots for the duration of the Fishery Convention, the said enterprises shall, for the duration of the Fishery Convention, abstain not only from participating directly or indirectly in the auction of fishery lots, but also from operating fishery lots leased by auction to private persons or enterprises.”

本全權委員ハ回答トシテ貴全權委員ノ前記御通報ヲ了承シタル
コトヲ陳述致シ候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具

千九百二十八年一月二十三日「モスコ」ニ於テ

田 中 都 吉

「ソヴェト」社會主義共和國聯邦全權委員「レフ、カラハン」殿

第三號

(來翰)

以書翰啓上致候陳者本全權委員ハ漁業條約ノ存續期間中「ソヴェ
ト」社會主義共和國聯邦ノ「ツェントロソユース」ガ右條約第
一條ニ特定セラルル地方ニ於テ漁業ニ従事スルノ意思ヲ有セザ
ルコトヲ本國政府ノ爲ニ聲明スルノ光榮ヲ有シ候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具

千九百二十八年一月二十三日「モスコ」ニ於テ

エル、カラハン

日本國全權委員田中都吉殿

第三號

(往翰)

以書翰啓上致候陳者本全權委員ハ貴全權委員ヨリノ本日附ノ左
ノ書翰ヲ受領スルノ光榮ヲ有シ候

以書翰啓上致候陳者本全權委員ハ漁業條約ノ存續期間中「ソ
ヴェト」社會主義共和國聯邦ノ「ツェントロソユース」ガ右
條約第一條ニ特定セラルル地方ニ於テ漁業ニ従事スルノ意思
ヲ有セザルコトヲ本國政府ノ爲ニ聲明スルノ光榮ヲ有シ候

本全權委員ハ回答トシテ貴全權委員ノ前記御通報ヲ了承シタル
コトヲ陳述致シ候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具
千九百二十八年一月二十三日「モスコ」ニ於テ

田 中 都 吉

「ソヴェト」社會主義共和國聯邦全權委員「レフ、カラハン」殿

第四號

(來翰)

以書翰啓上致候陳者本全權委員ハ「ソヴェト」社會主義共和國

In reply, I beg to state that I take note of your
communication above mentioned.

I avail myself of this opportunity to convey to you,
Monsieur le Plénipotentiaire, the assurances of my highest
consideration.

T. Tanaka.

Monsieur Lev Karakhan,
Plénipotentary of the Union
of Soviet Socialist Republics,
etc., etc.

No. 3.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to declare on behalf of my Govern-
ment that, for the duration of the Fishery Convention,
the Centrosoyuz of the Union of Soviet Socialist Republics
has no intention of engaging in the fishing industry in the
districts specified in Article I of the said Convention.

I avail myself of this opportunity to convey to you,
Monsieur le Plénipotentiaire, the assurances of my highest
consideration.

L. Karakhan.

Monsieur Tokichi Tanaka,
Plénipotentary of Japan.
etc., etc.

No. 3.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to acknowledge the receipt of the
following Note from you, under this date:

“Monsieur le Plénipotentiaire,

I have the honour to declare on behalf of my
Government that, for the duration of the Fishery
Convention, the Centrosoyuz of the Union of Soviet
Socialist Republics has no intention of engaging in
the fishing industry in the districts specified in Article
I of the said Convention.”

In reply, I beg to state that I take note of your
communication above mentioned.

I avail myself of this opportunity to convey to you,
Monsieur le Plénipotentiaire, the assurances of my highest
consideration.

T. Tanaka.

Monsieur Lev Karakhan,
Plénipotentary of the Union
of Soviet Socialist Republics,
etc., etc.

No. 4.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to notify you on behalf of my

聯邦政府ハ千九百二十八年ノ競賣後何時ニテモ兩政府ノ何レカガ提議スルトキハ「ソヴィエト」社會主義共和國聯邦ノ各種ノ「コオペラティヴ」組合ガ漁區ノ貸付ヲ受クル方法ハ兩政府間ニ於ケル商議ノ目的タルベク且爾後右商議ノ決定ニ從フベキモノト爲スコトニ同意スル旨ヲ本國政府ノ爲ニ貴全權委員ニ通告スルノ光榮ヲ有シ候商議ガ次回ノ競賣前相當ノ期間内ニ結了セザル場合ニ於テ執ラルベキ措置ニ付テハ兩政府間ニ暫定取極協定セラルベク候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具

千九百二十八年一月二十三日「モスコ」ニ於テ

エル、カラン

日本國全權委員田中都吉殿

第四號

(往翰)

以書翰啓上致候陳者本全權委員ハ貴全權委員ヨリノ本日附ノ左ノ書翰ヲ受領スルノ光榮ヲ有シ候

以書翰啓上致候陳者本全權委員ハ「ソヴィエト」社會主義共和國聯邦政府ハ千九百二十八年ノ競賣後何時ニテモ兩政府ノ何レカガ提議スルトキハ「ソヴィエト」社會主義共和國聯邦ノ各種ノ「コオペラティヴ」組合ガ漁區ノ貸付ヲ受クル方法ハ兩政府間ニ於ケル商議ノ目的タルベク且爾後右商議ノ決定ニ從フベキモノト爲スコトニ同意スル旨ヲ本國政府ノ爲ニ貴全權委員ニ通告スルノ光榮ヲ有シ候商議ガ次回ノ競賣前相當ノ期間内ニ結了セザル場合ニ於テ執ラルベキ措置ニ付テハ兩政府間ニ暫定取極協定セラルベク候

本全權委員ハ日本國政府ガ右書翰ニ全然同意スルコトヲ本國政府ノ爲ニ陳述スルノ光榮ヲ有シ候

本全權委員ハ茲ニ貴全權委員ニ向テ敬意ヲ表シ候 敬具

千九百二十八年一月二十三日「モスコ」ニ於テ

田 中 都 吉

「ソヴィエト」社會主義共和國聯邦全權委員「レフ、カラハン」殿

Government that the Government of the Union of Soviet Socialist Republics agrees to arrange that when either of the two Governments so proposes at any time after the auctions of the year 1928, the mode of obtaining the lease of fishery lots by various cooperative societies of the Union of Soviet Socialist Republics shall be an object of negotiations between the two Governments and thenceforward shall be subject to the decision of such negotiations. As to the measures to be taken in case the negotiations fail to be concluded in due course of time before the forthcoming auctions, a *modus vivendi* shall be arranged between the two Governments.

I avail myself of this opportunity to convey to you, Monsieur le Plénipotentiaire, the assurances of my highest consideration.

L. Karakhan.

Monsieur Tokichi Tanaka,
Plénipotentary of Japan,
etc., etc.

No. 4.

Moscow, 23 January, 1928.

Monsieur le Plénipotentiaire,

I have the honour to acknowledge the receipt of the following Note from you, under this date:

“Monsieur le Plénipotentiaire,

I have the honour to notify you on behalf of my Government that the Government of the Union of Soviet Socialist Republics agrees to arrange that when either of the two Governments so proposes at any time after the auctions of the year 1928, the mode of obtaining the lease of fishery lots by various cooperative societies of the Union of Soviet Socialist Republics shall be an object of negotiations between the two Governments, and thenceforward shall be subject to the decision of such negotiation. As to the measures to be taken in case the negotiations fail to be concluded in due course of time before the forthcoming auctions, a *modus vivendi* shall be arranged between the two Governments.”

On behalf of my Government, I have the honour to state that the Japanese Government agrees entirely with the said Note.

I avail myself of this opportunity to convey to you, Monsieur le Plénipotentiaire, the assurances of my highest consideration.

T. Tanaka.

Monsieur Lev Karakhan,
Plénipotentary of the Union
of Soviet Socialist Republics,
etc., etc.

會議錄

(正文 日本文及露文)

千九百十七年漁業協約改訂ニ關スル日本國及

「ソヴィエト」聯邦間會議錄

第七號

第七回會議

千九百二十八年一月二十三日午後八時三十分莫斯科ニ於

テ開會

「エル、エム、カラハン」氏議長ト爲ル

列席者

「ソヴィエト」聯邦全權委員

「エル、エム、カラハン」

同

日本國全權委員在莫斯科日本國特命全權大使

田 中 都 吉

「ソヴィエト」聯邦外務人民委員「ゲ、ヴエ、チチエー

リン」、「ソヴィエト」聯邦最高經濟會議幹部會員

「エス、イ、アラローフ」、「ソヴィエト」聯邦外務人

民委員部經濟法制部長「ア、ヴエ、サバーニン」、同極

東部長「ベ、エス、メーリニコフ」

委員

「エヌ、ベ、コルチャノフスキー」、「エム、ア、カザコ

フ」、「エヌ、ア、エルガムシエフ」、「エム、エス、

ガリベリン」、「ゲ、デ、ティーホフ」、會議書記官

前記條文第一項ニ於ケル

“Except in the case when, with regard to a particular third state or states, the duties applicable to goods in general exported thereto are to be altered.”

ナル文句ハ「ソヴィエト」聯邦政府ガ一箇又ハ數箇ノ特定ノ第三國ニ對シ關稅戰爭ヲ爲スコトアルベキ場合ニ於テ見ルガ如キ「ソヴィエト」聯邦政府ニ於テ輸出稅率ニ變更ヲ加フルノ止ムヲ得ザルガ如キ非常ノ場合ニ關スルモノトス

(三)

「ソヴィエト」聯邦全權委員ハ漁業條約ノ規定ニ從ヒ經營ノ爲開カレタル漁區ガ議定書(甲)第十九條ノ規定ニ依リ競賣ニ依ラズシテ地方農民及漁民ニ貸下セラレタルトキハ議定書(甲)第六條第一項ニ規定セラレタル漁區貸下期間ハ前期貸下ニ對シ適用セラレベキモノナルハ勿論ナル旨陳述セリ

日本國全權委員ハ右ニ同意セリ

(四)

日本國及「ソヴィエト」聯邦全權委員ハ最終議定書第一部第十五節第二號ノ宣言ノ第一段ハ漁區ノ競賣ニ對スル不當ノ入レ値ヲ防止スルコトヲ目的トスルモノニシテ最終議定書第一部第一節(甲號)ノ規定ニ何等影響ヲ與フベキモノニ非ザルコトニ同意ス

(五)

日本國及「ソヴィエト」聯邦全權委員ハ兩國政府ノ孰レノ一方ニ

「イ、ユ、ツァレムチュク」

酒匂秀一、村下裕次郎、島田正靖、西春彦、宮川船夫、

越田徳次郎、橋本實斐

本日ノ本會議ニ於テ日本國及「ソヴィエト」聯邦夫々ノ全權委員ハ

共同シテ次ノ文書ヲ點檢セリ

一 日本國及「ソヴィエト」聯邦間漁業條約

二 議定書三通即チ議定書甲、議定書乙及議定書丙

三 最終議定書一通及其ノ附屬書二通

四 交換公文四件

全權委員ハ右文書ニ記載セラレタル條文及規定ニ付合意ニ達シタル後當該文書ニ正式ニ署名調印セリ

全權委員ハ前記文書ニ署名スルニ當リ夫々次ノ陳述ヲ爲セリ右陳述ノ英文ハ本會議錄ニ添附ス

漁業條約第十五條ノ規定ニ關シ日本國全權委員ハ左記意見ヲ開陳セリ

(一)

漁業條約改正ノ商議ガ前記條文ニ規定セラレタル期間内ニ終了セザルガ如キコトアル場合ニハ兩國政府間ニ暫定取極ガ爲サルベキモノナルハ勿論トス

「ソヴィエト」聯邦全權委員ハ右ト同意見ナル旨ヲ陳述セリ

(二)

漁業條約附屬議定書(甲)第十條ノ規定ニ關シ「ソヴィエト」聯邦全權委員ハ日本國全權委員ノ質問ニ對シ左記ノ回答ヲ爲セリ

於テモ其ノ他方ノ專門家ニシテ公式又ハ非公式ニ漁業關係事項ニ付技術的又ハ科學的ノ調査ヲ爲サント欲スルモノニ對シ必要ノ便宜ヲ供與スルノ用意アルコト及將來兩國政府ノ何レカノ一方ガ望マシキモノト認ムルトキハ右兩國政府ノ一方ハ前記調査ニ協力セシムル爲他方ノ專門家ヲ招クベキ旨聲明セリ

(六)

「ソヴィエト」聯邦全權委員ハ「ソヴィエト」聯邦政府ガ漁業條約圈内ノ地方ニ於テ日本國臣民ノ從事スル漁業ノ大ナル經濟的意義ヲ認メ前記條約ニ從ヒ日本國臣民ノ正當ニシテ合法的ナル利益ガ侵害セララルコトナカラシムルコトニ付適當ノ考量ヲ加フル用意アルコトヲ聲明ス

會議ガ首尾好ク結了セルコトニ付祝辭ノ交換アリタル後會議ハ閉會ヲ宣セリ

日本國全權委員 田 中 都 吉
同 書記官 宮 川 船 夫
「ソヴィエト」聯邦全權委員 エル、カラハン
同 書記官 ツァレムチュク

(1)

With regard to the provisions of Article XV of the Fishery Convention, the Plenipotentiary of Japan expressed the following view:

Should occasion present itself when the negotiations for the revision of the Fishery Convention do not end within the period prescribed in the said Article, it is a matter of the course that a *modus vivendi* shall be agreed upon between the two Governments.

The Plenipotentiaries of the Union of Soviet Socialist Republics stated that they shared the same view.

(2)

With regard to the provisions of Article 10 of the Protocol (A) attached to the Fishery Convention, the Plenipotentiaries of the Union of Soviet Socialist Republics gave the following reply to the Japanese Plenipotentiary's inquiry:

The phrase "except in the case when, with regard to a particular third state or states, the duties applicable to goods in general exported thereto are to be altered" in the first paragraph of the said Article is meant to refer to such extraordinary cases in which the Government of the Union of Soviet Socialist Republics is compelled

to make any alteration in the export tariff as when the Government of the Union of Soviet Socialist Republics may enter into a tariff war against a particular third state or states.

(3)

The Plenipotentiaries of the Union Soviet Socialist Republics stated that, should any fishery lots opened for exploitation in accordance with the provisions of the Fishery Convention be granted for lease to local peasants and fishermen without auction by virtue of the provisions of Article 19 of the Protocol (A), the duration of the lease of fishery lots provided for in the first paragraph of Article 6 of the Protocol (A) shall, as a matter of course, be applicable to the above-mentioned lease.

The plenipotentiary of Japan concurred.

(4)

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics concurred that the first part of the declaration of Section (2) of Paragraph 15 in Part I of the Final Protocol has in view the prevention of unfair bidding at the auction of fishery lots, and shall not be held to affect in any way the provisions of Division (1) in Section (A) of Paragraph 1 in Part I of the Final Protocol.

(5)

The Plenipotentiaries of Japan and the Union of Soviet Socialist Republics declared that each of the two Governments hold itself ready to render necessary facilities to the experts of the other, desiring to make officially or privately technical or scientific investigations into matters relating to fishery, and, whenever in future either of the two Governments deems desirable, it will invite the experts of the other to cooperate in such investigations.

(6)

The Plenipotentiaries of the Union of Soviet Socialist Republics declared that the Government of the Union of Soviet Socialist Republics, recognizing the great economic significance of the fishing industry of the Japanese subjects in the district under the purview of the Fishery Convention, prepared to pay due regard to the effect that in accordance with the said Convention the reasonable and lawful interests of the Japanese subjects may not be impaired.