

INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS, 1957

Done at Washington on 9 February 1957
(expired 14 October 1984)

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

DESIRING to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

RECOGNIZING that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

DESIRING to provide for international cooperation in achieving these objectives,
Agree as follows:

Article I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.
2. The words "each year", "annual" and "annually" as used hereinafter refer to the Convention year, that is, the year beginning on the date of entry into force of the Convention.
3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

Article II

1. In order to realize the objectives of this Convention, the Parties agree to co-ordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:
 - a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and
 - b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.
2. The research referred to in the preceding paragraph shall include studies of the following subjects:
 - a) size of each fur seal herd and its age and sex composition;
 - b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;
 - c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

- d) migration routes of fur seals and their wintering areas;
- e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;
- f) relationship between fur seals and other living marine resources, including the extent to which fur seals affect commercial fish catches, the damage fur seals inflict on fishing gear, and the effect of commercial fisheries on the fur seals;
- g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;
- h) quality of sealskins by sex, age, and time and method of sealing;
- i) effect of man-caused environmental changes on the fur seal populations; and
- j) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, the Parties agree:

- a) to continue to mark adequate numbers of pups;
- b) to devote to pelagic research an effort which, to the greatest extent possible, should be similar in extent to that expended in recent years, provided that this shall not involve the annual taking by all the Parties combined of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Oceans, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise, and
- c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3.

4. Each Party agrees to provide the Commission annually with information on:

- a) number of black pups tagged for each breeding area;
- b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and
- c) tagged seals recovered on land and at sea;

And, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

Article III

In order to realize the purposes of the Convention, including the carrying out of the co-ordinated and co-operative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

Article IV

Each Party shall bear the expense of its own research. Title to seal-skins taken during the research shall vest in the Party conducting such research.

Article V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.
2. The duties of the Commission shall be to:
 - a) formulate and co-ordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;
 - b) recommend these co-ordinated research programs to the respective Parties for implementation;
 - c) study the data obtained from the implementation of such co-ordinated research programs;
 - d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programmes, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd and regarding a reduction or suspension of the harvest of seals on any island or group of islands in case the total number of seals on that island or group of islands falls below the level of maximum sustainable productivity; provided, however, that due consideration be given to the subsistence needs of Indians, Ainos, Aleuts, or Eskimos who live on the islands where fur seals breed, when it is not possible to provide sufficient seal meat for such persons from the seasonal commercial harvest or research activities; and
 - e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the twenty-first year after entry into force of the Convention.
3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the number of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party, taking into account any recommendations made pursuant to Article V, paragraph 2(d).
4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the seal-skins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.
6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission.
7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.
8. The Commission shall submit an annual report of its activities to the Parties.
9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

Article VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.
2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.
3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.
4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.
5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.
6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

Article VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

Article VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with Article II, paragraph 3, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraphs 5, and those inadvertently captured which are taken possession of by a Party; provided however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

Article IX

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist Republics

to Canada 15 per cent

to Japan 15 per cent

By the United States of America

to Canada 15 per cent

to Japan 15 per cent

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. The respective Parties will seek to ensure the utilization of those methods for the capture and killing and marking of fur seals on land or at sea which will spare the fur seals pain and suffering to the greatest extent practicable.

Article X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.
2. The Parties further agree to co-operate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

Article XI

The Parties agree to meet in the twenty-second year after entry into force of the Convention to consider the recommendations in accordance with Article V, paragraph 2(e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds.

Article XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

Article XIII

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.
2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.
3. The Convention shall enter into force on the date of the deposit of the fourth instrument of ratification.
4. The Convention shall continue in force for twenty-two years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of twenty-two years, whichever may be the earlier; provided, however, that the Convention shall terminate one year from the day on which a Party gives written notice to the other Parties of an intention of terminating the Convention.
5. At the request of any Party, representatives of the Parties will meet at a mutually convenient time within ninety days of such request to consider the desirability of modifications of the Convention.
6. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

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

Done in Washington this ninth day of February 1957, in the English, Japanese, and Russian languages, each text equally authentic.