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Folder Title:

Latvia-Richard Shifter [2]

Staff Office-Individual:

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. report	Re: [Latvia] [Released in Part] (2 pages)	03/07/1995	P1/b(1) VZ 9/21/2023
002. report	U.S. Government Report (2 pages)	03/07/1995	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Fried, Daniel)
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FOLDER TITLE:

Latvia - Richard Schifter [2]

2011-1037-F

ke2184

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9504475
RECEIVED: 09 JUN 95 18

TO: PRESIDENT

FROM: LAKE
WH EXECUTIVE CLERK

Latvia

DOC DATE: 16 JUN 95
SOURCE REF:

KEYWORDS: LATVIA

FISHING

PERSONS:

SUBJECT: TRANSMISSION TO CONGRESS OF AGREEMENT EXTENDING GOVERNING INTL
FISHERY AGREEMENT W/ LATVIA

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 13 JUN 95 STATUS: C

STAFF OFFICER: FRIED

LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

DANVERS

FRIED

KRECZKO

NSC CHRON

WALSH

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSDRS

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9504475

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BEYRLE	Z 95060918 PREPARE MEMO FOR SENS
001	Z 95061215 ACTION TRANSFERRED
001 FRIED	Z 95061215 PREPARE MEMO FOR SENS
002 LAKE	Z 95061415 FWD TO PRESIDENT FOR SIG
003 PRESIDENT	Z 95061611 FOR SIGNATURE
003	X 95062019 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 950616	VICE PRESIDENT
003 950616	WH CHIEF OF STAFF

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9504475
RECEIVED: 09 JUN 95 18

TO: SENS

FROM: BRILL, K

DOC DATE: 09 JUN 95
SOURCE REF: 9510937

KEYWORDS: LATVIA

FISHING

PERSONS:

SUBJECT: TRANSMISSION TO CONGRESS OF AGREEMENT EXTENDING GOVERNING INTL
FISHERY AGREEMENT W/ REPUBLIC OF LATVIA

ACTION: PREPARE MEMO FOR SENS

DUE DATE: 13 JUN 95 STATUS: S

STAFF OFFICER: BEYRLE

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

~~FOR ACTION~~
~~BEYRLE~~

FOR CONCURRENCE
BLACKER

FOR INFO
FRIED
SCHIFTER
SESTAK

FRIED

COMMENTS:

Action should go to Dan Fries who
now handles the Baltic States

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

1000 7102 4 200
National Security Council
The White House

44-75

PROOFED BY: _____

LOG # _____

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG JK A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>B</u> Harmon	<u>1</u>	<u>JK</u>	
Dohse			
Sens			
Soderberg		<u>Copy</u>	
Berger			
Lake	<u>2</u>	<u>Natl Sec Advisor</u> <u>has seen</u>	
Situation Room			
West Wing Desk	<u>3</u>	<u>JK 6/4</u>	<u>N</u>
Records Mgt.			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

Exec Sec Office has diskette yes

DOCLOG 07/19 A/O _____

COMMENT

Exec Sec Off

THE WHITE HOUSE

WASHINGTON

June 16, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

President sgd per WH
Executive Clerk

FROM: ANTHONY LAKE ✓

SUBJECT: Transmission to Congress of Agreement Extending
the Governing International Fishery Agreement
with the Republic of LatviaPurpose

To extend the U.S.-Latvian International Fishery Agreement.

Background

In April 1993, the United States concluded a two-year bilateral agreement with Latvia concerning fisheries off the coasts of the United States. In March and April of this year, the United States and Latvia exchanged diplomatic notes extending the Fishery Agreement to December 31, 1997. The messages to Congress at Tab A will constitute the required notification to Congress under the Magnuson Fishery Conservation and Management Act.

The Fishery Agreement does not have major practical significance: its provisions allowing for Latvian fishing within the U.S. 200-mile zone are moot at present, as allowable foreign fishing in the zone is currently set at zero. The agreement does open the way to joint venture fishery arrangements between American and Latvian firms.

The State Department has informally notified Congressional staff of the extension of the Fishery Agreement and has been advised that it is not expected to draw opposition.

RECOMMENDATION

That you sign the messages to Congress at Tab A.

Attachments

Tab A Letters for the House and Senate
Tab B Diplomatic Notes of March 28, 1995 and April 4, 1995
Tab C Fishery Agreement of April 8, 1993

cc: Vice President
Chief of Staff

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993 Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE,

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993 Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE,

No. 016

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Latvia and refers to the Agreement between the Government of the United States of America and the Government of the Republic of Latvia concerning fisheries off the coasts of the United States, with Annex, done at Washington April 8, 1993 (the Agreement).

The Embassy has the honor to propose, on behalf of the Government of the United States of America, that the Agreement, currently scheduled to expire June 1, 1995, be extended until December 31, 1997. If this proposal is acceptable, the Embassy has the further honor to propose that this note and a favorable reply from the Government of the Republic of Latvia shall constitute an Agreement between the two Governments, which shall enter into force on a date to be determined in a subsequent exchange of diplomatic notes following the completion of all necessary internal procedures of both parties.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Latvia the assurances of its highest consideration.



Embassy of the United States of America,
Riga, March 28, 1995



MINISTRY OF FOREIGN AFFAIRS • REPUBLIC OF LATVIA

No. 45/R2 - 362

The Ministry of Foreign Affairs of the Republic of Latvia presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No.016 of March 28, 1995 concerning the Agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning Fisheries Off the Coasts of the United States, with Annex, signed at Washington on 8 April, 1993 (the Agreement).

The Ministry, on behalf of the Government of the Republic of Latvia, confirms to the Embassy to extend the Agreement until December 31, 1997.

The Ministry has the honour to inform the Embassy that the legal requirements necessary for the entry into force of the Agreement On Extension of the Agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning Fisheries Off the Coasts of the United States have been fulfilled.

The Ministry of Foreign Affairs of the Republic of Latvia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Riga, 4 April 1995

To the Embassy of the
United States of America
RIGA



AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA
CONCERNING FISHERIES OFF THE COASTS
OF THE UNITED STATES

The Government of the United States of America and the Government of the Republic of Latvia (hereafter referred to as "the United States" and "Latvia", respectively, or "the Parties"),

Considering their common concern for the rational management, conservation and achievement of optimum yield of fish stocks off the coasts of the United States;

Recognizing that the United States has established by Presidential Proclamation of March 10, 1983 an exclusive economic zone within 200 nautical miles of its coasts within which the United States has sovereign rights to explore, exploit, conserve and manage all fish and that the United States also has such rights over the living resources of the continental shelf appertaining to the United States and anadromous species of fish of United States origin; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States has sovereign rights to explore, exploit, conserve and manage;

Have agreed as follows:

ARTICLE I

The purpose of this Agreement is to promote effective conservation, rational management and the achievement of optimum yield in the fisheries of mutual interest off the coasts of the United States, to facilitate the rapid and full development of the United States fishing industry and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of Latvia for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage.

ARTICLE II

As used in this Agreement, the term

1. "living resources over which the United States has sovereign rights to explore, exploit, conserve and manage" means all fish within the exclusive economic zone of the United States, all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters while present in the United States exclusive economic zone and in areas beyond national fisheries jurisdictions recognized by the United States and all living resources of the continental shelf appertaining to the United States;

2. "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals and birds;

3. "fishery" means

- a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and
- b. any fishing for such stocks;

4. "exclusive economic zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

- a. the catching, taking or harvesting of fish;
- b. the attempted catching, taking or harvesting of fish;
- c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;
- d. any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a

type that is normally used for

- a. fishing; or
- b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; and

7. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Finnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

ARTICLE III

1. The United States is willing to allow access for fishing vessels of Latvia to harvest, in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to fishing vessels of Latvia in accordance with United States law.

2. The United States shall determine each year, subject to such adjustments as may be appropriate and in accordance with United States law:

- a. the total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;

- b. the harvesting capacity of United States fishing vessels in respect of each fishery;
- c. the portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and
- d. the allocation of such portion that may be made available to Latvia.

3. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, inter alia:

- a. designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- b. limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;
- c. limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;

- d. requirements as to the types of gear that may, or may not, be employed; and
- e. requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The United States shall notify Latvia of the determinations provided for by this Article on a timely basis.

ARTICLE IV

In determining the portion of the surplus that may be made available to Latvia and to other countries, the United States will decide on the basis of the factors identified in United States law, including:

1. whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;

2. whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through purchase of fish and fishery products from United States

fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

3. whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone for its domestic consumption;

5. whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

7. whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources;

8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to

- a. the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing;

- b. the conservation and management of anadromous species; and
 - c. the conservation of the pollock resource in the central Bering Sea; and
9. such other matters as the United States deems appropriate.

ARTICLE V

Latvia shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as facilitating the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Latvia, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking other actions as may be appropriate.

ARTICLE VI

Latvia shall take all necessary measures to ensure:

- 1. that nationals and vessels of Latvia refrain from fishing for living resources over which the United

States has sovereign rights to explore, exploit, conserve and manage except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

ARTICLE VII

Latvia may submit an application to the United States for a permit for each fishing vessel of Latvia that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with the Annex, which constitutes an integral part of this Agreement. The United States may require the payment of fees for such permits and for fishing in the exclusive economic zone. While such fees shall be applied without discrimination, the fee level may vary depending upon, inter alia, whether, in the judgement of the United States, vessels or nationals of Latvia are harvesting United States origin anadromous species at unacceptable levels, or whether Latvia is failing to take sufficient action to benefit the conservation and development of United States fisheries. Latvia undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

ARTICLE VIII

Latvia shall ensure that nationals and vessels of Latvia refrain from harassing, hunting/capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the exclusive economic zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the United States.

ARTICLE IX

Latvia shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each vessel of Latvia is prominently displayed in the wheel house of such vessel;
2. appropriate position-fixing and identification equipment, as determined by the United States, is installed and maintained in working order on each vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the United

States shall be reimbursed for the costs incurred in the utilization of observers;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Latvia for any cause arising out of the conduct of fishing activities for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure the prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Latvia as determined by applicable United States procedures.

ARTICLE X

Latvia shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the exclusive economic zone and to ensure that each vessel of Latvia that engages in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

ARTICLE XI

1. The United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Latvia or their owners, operators, or crews that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. In any case arising out of fishing activities under this Agreement, the penalty for violation of fishery regulations shall not include imprisonment except in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

4. In cases of seizure and arrest of a vessel of Latvia by the authorities of the United States, notification shall be given promptly through diplomatic channels informing Latvia of the action taken and of any penalties subsequently imposed.

ARTICLE XII

1. The United States and Latvia shall cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources over which the United States has sovereign rights to explore, exploit, conserve and manage, including the compilation of the best available

scientific information for management and conservation of stocks of mutual interest.

2. The Parties shall cooperate in the development of a periodic research plan on stocks of mutual concern through correspondence or meetings as appropriate, and may modify it from time to time by agreement. The agreed research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Latvia in the exclusive economic zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. Latvia shall cooperate with the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States. Latvia shall similarly provide such economic data as may be requested by the United States.

5. Latvia shall cooperate with the United States in matters pertaining to the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resource in the central Bering Sea.

ARTICLE XIII

1.. The United States and Latvia shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Party any dispute concerning the interpretation or application of this Agreement shall be the subject of consultations between them.

ARTICLE XIV

The United States undertakes to authorize fishing vessels of Latvia allowed to fish pursuant to this Agreement to enter ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XV

Should the United States indicate to Latvia that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of Latvia, Latvia shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XVI

Nothing contained in the present Agreement shall prejudice:

1. the views of either Party with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,

2. any other international rights and obligations of either Party.

ARTICLE XVII

The Agreement shall apply to the territories of Latvia, and to the United States, its territories and its possessions.

ARTICLE XVIII

1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of

internal procedures of both Parties, and shall remain in force until June 1, 1995 unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party six months in advance.

2. At the request of either Party, this Agreement shall be subject to review by the two Parties two years after its entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Washington, in duplicate, this eighth day of April, 1993 in the English and Latvian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

A handwritten signature in dark ink, appearing to read "David Rubin". The signature is fluid and cursive, with the first name "David" written in a larger, more prominent script than the last name "Rubin".

FOR THE GOVERNMENT OF THE
REPUBLIC OF LATVIA:

A handwritten signature in dark ink, appearing to read "A. Kudryga". The signature is highly stylized and cursive, with the first letter "A" being very large and the last name "Kudryga" written in a more compact, flowing script.

ANNEX

Application and Permit Procedures

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Latvia to engage in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage:

1. Latvia may submit an application to the competent authorities of the United States for each fishing vessel of Latvia that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the United States for that purpose.

2. Any such application shall specify

- a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel may be requested;
- c. a specification of each fishery in which each vessel wishes to fish;

- d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. the ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event Latvia notifies the United States of its objections to specific conditions and restrictions, the Parties may consult with respect thereto and Latvia may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the Parties.

No. 36

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Latvia and acknowledges receipt of Note Number 129 from the Latvian Ministry of Foreign Affairs, dated July 20, 1993, which states that the Government of the Republic of Latvia has completed all internal procedures necessary for the entry into force of the agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning fisheries off the coasts of the United States, signed at Washington on April 8, 1993.

The Embassy wishes to inform the Ministry that the Government of the United States of America has completed all of its internal procedures necessary for the entry into force of the agreement and that in accordance with Article XVIII, the agreement will enter into force on the date of this note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Latvia the assurances of its highest consideration.

Embassy of the United States of America,



[Unofficial translation]

No. 129

The Ministry of Foreign Affairs of the Republic of Latvia presents its compliments to the Embassy of the United States of America and in reference to the 18th paragraph of the Agreement on Fisheries at the Coast of the United States of America between the Republic of Latvia and the United States of America (done on 8 April, 1993, Washington) has the honour to inform that the Republic of Latvia has fulfilled all the necessary obligations for the said Agreement's entry into force.

The Ministry of Foreign Affairs of the Republic of Latvia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Riga, 20 July, 1993

To the Embassy
of the United States of America
R I G A

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 14, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

DANIEL FRIED *DF*

SUBJECT:

Transmission to Congress of Agreement Extending
the Governing International Fishery Agreement
with the Republic of Latvia

The State Department has requested that the President sign messages to the House and Senate, transmitting Diplomatic Notes extending the 1993 U.S.-Latvian International Fishery Agreement to December 31, 1997.

Concurrences by: Alan Kreczko *AK*, Helen Walsh *HW*, Bill Danvers *MD*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A Letters for the House and Senate

Tab B Diplomatic Notes of March 28, 1995 and April 4,
1995

Tab C Fishery Agreement of April 8, 1993

Tab II State Incoming



United States Department of State

Washington, D.C. 20520

June 9, 1995

MEMORANDUM FOR ANDREW D. SENS
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Transmission to the Congress of the Agreement
Extending the Governing International Fishery
Agreement with the Republic of Latvia

Attached for signature by the President are letters to the President of the Senate and the Speaker of the House of Representatives, transmitting the Agreement extending the 1993 Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries Off the Coasts of the United States, effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995. This exchange of notes together with the 1993 Agreement constitute a governing international fishery agreement (GIFA) within the requirements of Section 201(c) of the Magnuson Fishery Conservation and Management Act (MFCMA) (16 U.S.C. 1801 et seq.). The Agreement extends the 1993 Agreement to December 31, 1997.

This Agreement will further the objectives of the MFCMA by permitting the United States and the Republic of Latvia to develop cooperative fishery arrangements.

Section 203(a) of the MFCMA provides as follows with respect to transmission to the Congress:

(a) IN GENERAL -- No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

The 1993 Agreement expired on June 1, 1995. In order to renew the Agreement and to ensure continued cooperation by the Republic of Latvia on bilateral and multilateral fisheries issues, we request prompt transmittal of this Agreement to the House of Representatives and to the Senate.

A handwritten signature in black ink, appearing to read "M. Brill", with a stylized flourish at the end.

Kenneth C. Brill
Executive Secretary

Attachments:

1. Draft letters for the House and Senate
2. Diplomatic Notes of March 28, 1995 and April 4, 1995
3. Agreement of April 8, 1993

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 14, 1995

of Latvia

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

DANIEL FRIED *DF*

SUBJECT:

Transmission to Congress of Agreement Extending
the Governing International Fishery Agreement
with the Republic of Latvia

The State Department has requested that the President sign messages to the House and Senate extending the 1993 U.S.-Latvian international fishery agreement to December 31, 1997.

Concurrences by: Alan Kreczko, Helen Walsh, Bill Danvers

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A Letters for the House and Senate

Tab B Diplomatic Notes of March 28, 1995 and April 4, 1995

Tab C Fishery Agreement of April 8, 1993

Tab II State Incoming

Fried, Daniel

From: Kerr, Andrew S.
To: @CEE - Central/Eastern Europe; @CROSS - Cross Hatches; @UP - APNSA Special Assistants
Cc: /R, Record at A1; @RECORDS & ACCESS MGMT
Subject: package 4475 [UNCLASSIFIED]
Date: Tuesday, June 20, 1995 11:12AM

Hi,

Per the WH Executive Clerk, Package 4475 - Transmission of agreement extending governing intl fishery agreements w/ Latvia was signed by the Pres today, 20 Jun.

Thanks!

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

SUBJECT: Transmission to Congress of Agreement Extending
the Governing International Fishery Agreement
with the Republic of Latvia

Purpose

To extend the U.S.-Latvian International Fishery Agreement.

Background

In April, 1993, the United States concluded a two-year bilateral agreement with Latvia concerning fisheries off the coasts of the U.S. In March and April of this year, the United States and Latvia exchanged diplomatic notes extending the Fishery Agreement to December 31, 1999. The messages to Congress at Tab A will constitute the required notification to Congress under the Magnuson Fishery Conservation and Management Act.

The Fishery Agreement does not have major practical significance: its provisions allowing for Latvian fishing within the U.S. 200-mile zone are moot at present, as allowable foreign fishing in the zone is currently set at zero. The agreement does open the way to joint venture fishery arrangements between American and Latvian firms.

The State Department has informally notified Congressional staff of the extension of the Fishery Agreement and has been advised that it is not expected to draw opposition.

RECOMMENDATION

That you sign the messages to Congress at Tab A.

Attachments

Tab A Letters for the House and Senate
Tab B Diplomatic Notes of March 28, 1995 and April 4, 1995
Tab C Fishery Agreement of April 8, 1993

cc: Vice President
Chief of Staff

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993 Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE,

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993 Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE,

No. 016

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Latvia and refers to the Agreement between the Government of the United States of America and the Government of the Republic of Latvia concerning fisheries off the coasts of the United States, with Annex, done at Washington April 8, 1993 (the Agreement).

The Embassy has the honor to propose, on behalf of the Government of the United States of America, that the Agreement, currently scheduled to expire June 1, 1995, be extended until December 31, 1997. If this proposal is acceptable, the Embassy has the further honor to propose that this note and a favorable reply from the Government of the Republic of Latvia shall constitute an Agreement between the two Governments, which shall enter into force on a date to be determined in a subsequent exchange of diplomatic notes following the completion of all necessary internal procedures of both parties.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Latvia the assurances of its highest consideration.



Embassy of the United States of America,

Riga, March 28, 1995



MINISTRY OF FOREIGN AFFAIRS • REPUBLIC OF LATVIA

No. 41/R2 - 362

The Ministry of Foreign Affairs of the Republic of Latvia presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No.016 of March 28, 1995 concerning the Agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning Fisheries Off the Coasts of the United States, with Annex, signed at Washington on 8 April, 1993 (the Agreement).

The Ministry, on behalf of the Government of the Republic of Latvia, confirms to the Embassy to extend the Agreement until December 31, 1997.

The Ministry has the honour to inform the Embassy that the legal requirements necessary for the entry into force of the Agreement On Extension of the Agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning Fisheries Off the Coasts of the United States have been fulfilled.

The Ministry of Foreign Affairs of the Republic of Latvia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Riga, 4 April 1995

To the Embassy of the
United States of America
RIGA



AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA
CONCERNING FISHERIES OFF THE COASTS
OF THE UNITED STATES

The Government of the United States of America and the Government of the Republic of Latvia (hereafter referred to as "the United States" and "Latvia", respectively, or "the Parties"),

Considering their common concern for the rational management, conservation and achievement of optimum yield of fish stocks off the coasts of the United States;

Recognizing that the United States has established by Presidential Proclamation of March 10, 1983 an exclusive economic zone within 200 nautical miles of its coasts within which the United States has sovereign rights to explore, exploit, conserve and manage all fish and that the United States also has such rights over the living resources of the continental shelf appertaining to the United States and anadromous species of fish of United States origin; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States has sovereign rights to explore, exploit, conserve and manage;

Have agreed as follows:

ARTICLE I

The purpose of this Agreement is to promote effective conservation, rational management and the achievement of optimum yield in the fisheries of mutual interest off the coasts of the United States, to facilitate the rapid and full development of the United States fishing industry and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of Latvia for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage.

ARTICLE II

As used in this Agreement, the term

1. "living resources over which the United States has sovereign rights to explore, exploit, conserve and manage" means all fish within the exclusive economic zone of the United States, all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters while present in the United States exclusive economic zone and in areas beyond national fisheries jurisdictions recognized by the United States and all living resources of the continental shelf appertaining to the United States;

2. "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals and birds;

3. "fishery" means

- a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and
- b. any fishing for such stocks;

4. "exclusive economic zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

- a. the catching, taking or harvesting of fish;
- b. the attempted catching, taking or harvesting of fish;
- c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;
- d. any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a

type that is normally used for

- a. fishing; or
- b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; and

7. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Finnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

ARTICLE III

1. The United States is willing to allow access for fishing vessels of Latvia to harvest, in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to fishing vessels of Latvia in accordance with United States law.

2. The United States shall determine each year, subject to such adjustments as may be appropriate and in accordance with United States law:

- a. the total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;

- b. the harvesting capacity of United States fishing vessels in respect of each fishery;
- c. the portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and
- d. the allocation of such portion that may be made available to Latvia.

3. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, inter alia:

- a. designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- b. limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;
- c. limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;

- d. requirements as to the types of gear that may, or may not, be employed; and
- e. requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The United States shall notify Latvia of the determinations provided for by this Article on a timely basis.

ARTICLE IV

In determining the portion of the surplus that may be made available to Latvia and to other countries, the United States will decide on the basis of the factors identified in United States law, including:

- 1. whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;
- 2. whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through purchase of fish and fishery products from United States

fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

3. whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone for its domestic consumption;

5. whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

7. whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources;

8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to

- a. the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing;

- b. the conservation and management of anadromous species; and
- c. the conservation of the pollock resource in the central Bering Sea; and

9. such other matters as the United States deems appropriate.

ARTICLE V

Latvia shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as facilitating the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Latvia, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking other actions as may be appropriate.

ARTICLE VI

Latvia shall take all necessary measures to ensure:

- 1. that nationals and vessels of Latvia refrain from fishing for living resources over which the United

States has sovereign rights to explore, exploit, conserve and manage except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

ARTICLE VII

Latvia may submit an application to the United States for a permit for each fishing vessel of Latvia that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with the Annex, which constitutes an integral part of this Agreement. The United States may require the payment of fees for such permits and for fishing in the exclusive economic zone. While such fees shall be applied without discrimination, the fee level may vary depending upon, inter alia, whether, in the judgement of the United States, vessels or nationals of Latvia are harvesting United States origin anadromous species at unacceptable levels, or whether Latvia is failing to take sufficient action to benefit the conservation and development of United States fisheries. Latvia undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

ARTICLE VIII

Latvia shall ensure that nationals and vessels of Latvia refrain from harassing, hunting/capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the exclusive economic zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the United States.

ARTICLE IX

Latvia shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each vessel of Latvia is prominently displayed in the wheel house of such vessel;
2. appropriate position-fixing and identification equipment, as determined by the United States, is installed and maintained in working order on each vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the United

States shall be reimbursed for the costs incurred in the utilization of observers;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Latvia for any cause arising out of the conduct of fishing activities for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure the prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Latvia as determined by applicable United States procedures.

ARTICLE X

Latvia shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the exclusive economic zone and to ensure that each vessel of Latvia that engages in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

ARTICLE XI

1. The United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Latvia or their owners, operators, or crews that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. In any case arising out of fishing activities under this Agreement, the penalty for violation of fishery regulations shall not include imprisonment except in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

4. In cases of seizure and arrest of a vessel of Latvia by the authorities of the United States, notification shall be given promptly through diplomatic channels informing Latvia of the action taken and of any penalties subsequently imposed.

ARTICLE XII

1. The United States and Latvia shall cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources over which the United States has sovereign rights to explore, exploit, conserve and manage, including the compilation of the best available

scientific information for management and conservation of stocks of mutual interest.

2. The Parties shall cooperate in the development of a periodic research plan on stocks of mutual concern through correspondence or meetings as appropriate, and may modify it from time to time by agreement. The agreed research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Latvia in the exclusive economic zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. Latvia shall cooperate with the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States. Latvia shall similarly provide such economic data as may be requested by the United States.

5. Latvia shall cooperate with the United States in matters pertaining to the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resource in the central Bering Sea.

ARTICLE XIII

1.. The United States and Latvia shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Party any dispute concerning the interpretation or application of this Agreement shall be the subject of consultations between them.

ARTICLE XIV

The United States undertakes to authorize fishing vessels of Latvia allowed to fish pursuant to this Agreement to enter ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XV

Should the United States indicate to Latvia that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of Latvia, Latvia shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XVI

Nothing contained in the present Agreement shall prejudice:

1. the views of either Party with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,
2. any other international rights and obligations of either Party.

ARTICLE XVII

The Agreement shall apply to the territories of Latvia, and to the United States, its territories and its possessions.

ARTICLE XVIII

1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of

internal procedures of both Parties, and shall remain in force until June 1, 1995 unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party six months in advance.

2. At the request of either Party, this Agreement shall be subject to review by the two Parties two years after its entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Washington, in duplicate, this eighth day of April, 1993 in the English and Latvian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE
REPUBLIC OF LATVIA:

A handwritten signature in dark ink, appearing to read "David Albright". The signature is fluid and cursive, with the first name "David" and last name "Albright" clearly distinguishable.A handwritten signature in dark ink, appearing to read "A. Stedrejs". The signature is highly stylized and cursive, with a large, sweeping initial "A" and a long, trailing flourish.

ANNEX

Application and Permit Procedures

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Latvia to engage in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage:

1. Latvia may submit an application to the competent authorities of the United States for each fishing vessel of Latvia that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the United States for that purpose.

2. Any such application shall specify

- a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel may be requested;
- c. a specification of each fishery in which each vessel wishes to fish;

- d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. the ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event Latvia notifies the United States of its objections to specific conditions and restrictions, the Parties may consult with respect thereto and Latvia may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the Parties.

No. 36

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Latvia and acknowledges receipt of Note Number 129 from the Latvian Ministry of Foreign Affairs, dated July 20, 1993, which states that the Government of the Republic of Latvia has completed all internal procedures necessary for the entry into force of the agreement between the Government of the Republic of Latvia and the Government of the United States of America concerning fisheries off the coasts of the United States, signed at Washington on April 8, 1993.

The Embassy wishes to inform the Ministry that the Government of the United States of America has completed all of its internal procedures necessary for the entry into force of the agreement and that in accordance with Article XVIII, the agreement will enter into force on the date of this note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Latvia the assurances of its highest consideration.

Embassy of the United States of America,



[Unofficial translation]

No. 129

The Ministry of Foreign Affairs of the Republic of Latvia presents its compliments to the Embassy of the United States of America and in reference to the 18th paragraph of the Agreement on Fisheries at the Coast of the United States of America between the Republic of Latvia and the United States of America (done on 8 April, 1993, Washington) has the honour to inform that the Republic of Latvia has fulfilled all the necessary obligations for the said Agreement's entry into force.

The Ministry of Foreign Affairs of the Republic of Latvia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Riga, 20 July, 1993

To the Embassy
of the United States of America
R I G A



United States Department of State

Washington, D.C. 20520

June 9, 1995

MEMORANDUM FOR ANDREW D. SENS
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Transmission to the Congress of the Agreement
Extending the Governing International Fishery
Agreement with the Republic of Latvia

Attached for signature by the President are letters to the President of the Senate and the Speaker of the House of Representatives, transmitting the Agreement extending the 1993 Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries Off the Coasts of the United States, effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995. This exchange of notes together with the 1993 Agreement constitute a governing international fishery agreement (GIFA) within the requirements of Section 201(c) of the Magnuson Fishery Conservation and Management Act (MFCMA) (16 U.S.C. 1801 et seq.). The Agreement extends the 1993 Agreement to December 31, 1997.

This Agreement will further the objectives of the MFCMA by permitting the United States and the Republic of Latvia to develop cooperative fishery arrangements.

Section 203(a) of the MFCMA provides as follows with respect to transmission to the Congress:

(a) IN GENERAL -- No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

The 1993 Agreement expired on June 1, 1995. In order to renew the Agreement and to ensure continued cooperation by the Republic of Latvia on bilateral and multilateral fisheries issues, we request prompt transmittal of this Agreement to the House of Representatives and to the Senate.

A handwritten signature in dark ink, appearing to read 'M. Brill', is positioned above the printed name.

Kenneth C. Brill
Executive Secretary

Attachments:

1. Draft letters for the House and Senate
2. Diplomatic Notes of March 28, 1995 and April 4, 1995
3. Agreement of April 8, 1993

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

May 19, 1993

ACTION

MEMORANDUM FOR ANTHONY. LAKE

THROUGH: TOBY GATI *TG*
FROM: BETH SANNER *BS*
SUBJECT: Transmission to Congress of the Governing
International Fishery Agreement with Latvia

The State Department has requested that the President sign a message to Congress (Tab A) transmitting a governing international fishery agreement between the U.S. and the Republic of Latvia. The agreement will permit joint venture fishery agreements and will allow direct fishing opportunities for both parties subject to local fishery requirements. It will remain in force for two years.

This agreement should be transmitted to Congress as soon as possible because fishing will not be permitted until the agreement enters into force following Congressional review and an exchange of diplomatic notes.

Concurrence by: Alan Kreczko *AK*

RECOMMENDATION

That you sign the memo to the President at Tab I.

Attachments

Tab I Memo to the President
Tab A Letter to Congress in Duplicate
Tab B Fishery Agreement
Tab II State Incoming

DAW:

*HERE IS A COPY OF WHAT
WAS DONE IN 1993 —
HAVE TRANSFERRED ACTION
TO YOU*

CHEERS

JAMUNA

CS

02352055

00094

3477

THE WHITE HOUSE

WASHINGTON

June 16, 1993

COPY

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE *RL*

SUBJECT: Transmission to Congress of the Governing
International Fishery Agreement with the Republic
of Latvia

From ORM
Executive Clerk June 18 1993

Purpose

To transmit to Congress the U.S.-Latvian agreement concerning fisheries off U.S. coasts.

Background

We reached agreement with the Republic of Latvia concerning fisheries off the coasts of the U.S. on April 8, 1993. The two-year agreement (Tab B) will permit joint venture fishery arrangements and direct fishing opportunities subject to local fishery requirements, thereby providing economic benefits to the U.S. The message at Tab A will transmit this agreement to Congress. The agreement will enter into force following Congressional review and an exchange of diplomatic notes with Latvia.

Our staff has been in touch with Congress, specifically the House Merchant Marine and Fisheries and the Senate Commerce Committees, on this issue and has been advised that this treaty is not expected to draw any opposition.

RECOMMENDATION

That you sign the duplicate letters to Congress at Tab A.

Attachments

Tab A Letter to Congress in Duplicate
Tab B Fishery Agreement

cc: Vice President
Chief of Staff

TO THE CONGRESS OF THE UNITED STATES

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 USC 1801 et seq.),

I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

U.S. fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

THE WHITE HOUSE,

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA
CONCERNING FISHERIES OFF THE COASTS
OF THE UNITED STATES

The Government of the United States of America and the Government of the Republic of Latvia (hereafter referred to as "the United States" and "Latvia", respectively, or "the Parties"),

Considering their common concern for the rational management, conservation and achievement of optimum yield of fish stocks off the coasts of the United States;

Recognizing that the United States has established by Presidential Proclamation of March 10, 1983 an exclusive economic zone within 200 nautical miles of its coasts within which the United States has sovereign rights to explore, exploit, conserve and manage all fish and that the United States also has such rights over the living resources of the continental shelf appertaining to the United States and anadromous species of fish of United States origin; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States has sovereign rights to explore, exploit, conserve and manage;

Have agreed as follows:

- d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. the ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

3. "fishery" means

- a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and
- b. any fishing for such stocks;

4. "exclusive economic zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

- a. the catching, taking or harvesting of fish;
- b. the attempted catching, taking or harvesting of fish;
- c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;
- d. any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a

type that is normally used for

- a. - fishing; or
- b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; and

7. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Finnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

ARTICLE III

1. The United States is willing to allow access for fishing vessels of Latvia to harvest, in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to fishing vessels of Latvia in accordance with United States law.

2. The United States shall determine each year, subject to such adjustments as may be appropriate and in accordance with United States law:

- a. the total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;

- b. the harvesting capacity of United States fishing vessels in respect of each fishery;
- c. the portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and
- d. the allocation of such portion that may be made available to Latvia.

3. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, inter alia:

- a. designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- b. limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;
- c. limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;

- d. requirements as to the types of gear that may, or may not, be employed; and
- e. requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The United States shall notify Latvia of the determinations provided for by this Article on a timely basis.

ARTICLE IV

In determining the portion of the surplus that may be made available to Latvia and to other countries, the United States will decide on the basis of the factors identified in United States law, including:

- 1. whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;
- 2. whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through purchase of fish and fishery products from United States

fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

3. whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone for its domestic consumption;

5. whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

7. whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources;

8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to

- a. the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing;

- b. the conservation and management of anadromous species; and
- c. the conservation of the pollock resource in the central Bering Sea; and

9. such other matters as the United States deems appropriate.

ARTICLE V

Latvia shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as facilitating the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Latvia, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking other actions as may be appropriate.

ARTICLE VI

Latvia shall take all necessary measures to ensure:

- 1. that nationals and vessels of Latvia refrain from fishing for living resources over which the United

States has sovereign rights to explore, exploit, conserve and manage except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

ARTICLE VII

Latvia may submit an application to the United States for a permit for each fishing vessel of Latvia that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with the Annex, which constitutes an integral part of this Agreement. The United States may require the payment of fees for such permits and for fishing in the exclusive economic zone. While such fees shall be applied without discrimination, the fee level may vary depending upon, inter alia, whether, in the judgement of the United States, vessels or nationals of Latvia are harvesting United States origin anadromous species at unacceptable levels, or whether Latvia is failing to take sufficient action to benefit the conservation and development of United States fisheries. Latvia undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

ARTICLE VIII

Latvia shall ensure that nationals and vessels of Latvia refrain from harassing, hunting/capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the exclusive economic zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the United States.

ARTICLE IX

Latvia shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each vessel of Latvia is prominently displayed in the wheel house of such vessel;
2. appropriate position-fixing and identification equipment, as determined by the United States, is installed and maintained in working order on each vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the United

States shall be reimbursed for the costs incurred in the utilization of observers;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Latvia for any cause arising out of the conduct of fishing activities for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure the prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Latvia as determined by applicable United States procedures.

ARTICLE X

Latvia shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the exclusive economic zone and to ensure that each vessel of Latvia that engages in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

ARTICLE XI

1. The United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Latvia or their owners, operators, or crews that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. In any case arising out of fishing activities under this Agreement, the penalty for violation of fishery regulations shall not include imprisonment except in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

4. In cases of seizure and arrest of a vessel of Latvia by the authorities of the United States, notification shall be given promptly through diplomatic channels informing Latvia of the action taken and of any penalties subsequently imposed.

ARTICLE XII

1. The United States and Latvia shall cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources over which the United States has sovereign rights to explore, exploit, conserve and manage, including the compilation of the best available

scientific information for management and conservation of stocks of mutual interest.

2. The Parties shall cooperate in the development of a periodic research plan on stocks of mutual concern through correspondence or meetings as appropriate, and may modify it from time to time by agreement. The agreed research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Latvia in the exclusive economic zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. Latvia shall cooperate with the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States. Latvia shall similarly provide such economic data as may be requested by the United States.

5. Latvia shall cooperate with the United States in matters pertaining to the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resource in the central Bering Sea.

ARTICLE XIII

1. The United States and Latvia shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Party any dispute concerning the interpretation or application of this Agreement shall be the subject of consultations between them.

ARTICLE XIV

The United States undertakes to authorize fishing vessels of Latvia allowed to fish pursuant to this Agreement to enter ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XV

Should the United States indicate to Latvia that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of Latvia, Latvia shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XVI

Nothing contained in the present Agreement shall prejudice:

1. the views of either Party with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,
2. any other international rights and obligations of either Party.

ARTICLE XVII

The Agreement shall apply to the territories of Latvia, and to the United States, its territories and its possessions.

ARTICLE XVIII

1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of

internal procedures of both Parties, and shall remain in force until June 1, 1995 unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party six months in advance.

2. At the request of either Party, this Agreement shall be subject to review by the two Parties two years after its entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Washington, in duplicate, this eighth day of April, 1993 in the English and Latvian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE
REPUBLIC OF LATVIA:

A handwritten signature in dark ink, appearing to read "David Rubin".A handwritten signature in dark ink, appearing to read "J. Stedreys".

ANNEX

Application and Permit Procedures

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Latvia to engage in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage:

1. Latvia may submit an application to the competent authorities of the United States for each fishing vessel of Latvia that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the United States for that purpose.

2. Any such application shall specify

- a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel may be requested;
- c. a specification of each fishery in which each vessel wishes to fish;

- d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. the ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event Latvia notifies the United States of its objections to specific conditions and restrictions, the Parties may consult with respect thereto and Latvia may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the Parties.



9310764

United States Department of State

Washington, D.C. 20520

May 15, 1993

3477

MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

SUBJECT: Transmission to the Congress of the Governing
International Fishery Agreement with the
Republic of Latvia

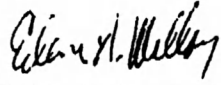
Attached for signature by the President are letters to the Senate and the House of Representatives, transmitting the Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries Off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. This agreement constitutes a governing international fishery agreement (GIFA) within the requirements of Section 201 (c) of the Magnuson Fishery Conservation and Management Act (MFCMA) (16 USC 1801 et seq.). The agreement is for two years and expires June 1, 1995.

This agreement will further the objectives of the MFCMA by providing economic benefits to the United States, and will permit the U.S. and Latvia to enter into mutually beneficial joint venture fishery arrangements and direct fishing opportunities subject to local fishery requirements.

Section 203(a) of the MFCMA provides as follows with respect to transmission to the Congress:

(a) IN GENERAL -- No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

We request prompt transmittal of this agreement to the House of Representatives and to the Senate. No fishing will be permitted until the agreement enters into force after Congressional review and an exchange of diplomatic notes with the Republic of Latvia specifying a date for entry into force in accordance with Article XVIII.


for Mark Grossman
Executive Secretary

Attachments:

1. Draft letters for the House and Senate
2. Agreement

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 USC 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

U.S. fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

THE WHITE HOUSE,

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 USC 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

U.S. fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

THE WHITE HOUSE,

Rec'd 6/15 7:30am

JUL
6/15

National Security Council
The White House

PROOFED BY: DA LOG # 3477
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG NO AVO _____

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ExecSec			
Staff Director	<u>2/5</u>	<u>nan</u>	
D/APNSA	<u>3/6</u>	<u>prb</u>	
APNSA	<u>7</u>	<u>Natl Sec Advisor has seen</u>	
Situation Room			
West Wing Desk	<u>3/8</u>	<u>MM 6/16</u>	<u>TO podesta</u>
NSC Secretariat			
<u>Ron</u>	<u>4</u>	<u>done</u>	<u>FFA</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

24 MAY 93 1:44

Tab I saved on g drive 3477

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BYPASSED WW DESK: _____ DOCLOG AD A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
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Exec Sec			
Staff Director			
D/APNSA			
APNSA			
Situation Room	5	JB 6/18	WJ
West Wing Desk	6		X
NSC Secretariat			

cc: VP | McLarty | Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

DISPATCH INSTRUCTIONS:

UNCLASSIFIED
NSC/RMO PROFILE

RECORD IN 10000077
RECEIVED: 17 MAY 93 08

02352055

TO: PRESIDENT

FROM: LAKE
WH EXECUTIVE CLERK

DOC DATE: 16 JUN 93
SOURCE REF:

KEYWORDS: LATVIA
CONGRESSIONAL

FISHING

PERSONS:

SUBJECT: TRANSMISSION TO CONGRESS OF GOVERNING INTL FISHERY AGREEMENT W/
LATVIA

ACTION: PRES SGD PER WH EXEC CLERK

DUE DATE: 20 MAY 93 STATUS: C

STAFF OFFICER: SANNER

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

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FOR INFO

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NSC CHRON
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CLOSED BY: NSJDA

DO 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9303477
RECEIVED: 17 MAY 93 08

TO: PRESIDENT

FROM: LAKE
WH EXECUTIVE CLERK

DOC DATE: 16 JUN 93
SOURCE REF:

KEYWORDS: LATVIA
CONGRESSIONAL

FISHING

PERSONS:

SUBJECT: TRANSMISSION TO CONGRESS OF GOVERNING INTL FISHERY AGREEMENT W/
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ACTION: PRES SGD PER WH EXEC CLERK

DUE DATE: 20 MAY 93 STATUS: C

STAFF OFFICER: SANNER

LOGREF:

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FOR INFO

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DOC 3 OF 3

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UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9303477

DOC ACTION OFFICER

001 SANNER
002 LAKE
002 ROSNER
002 LAKE
003 PRESIDENT
003

CAO ASSIGNED ACTION REQUIRED

Z 93051708 PREPARE MEMO FOR LAKE
Z 93052412 FWD TO PRES FOR SIG
Z 93052420 FOR FURTHER ACTION
X 93052508 FWD TO PRES FOR SIG
Z 93061608 FOR SIGNATURE
X 93062308 PRES SGD PER WH EXEC CLERK

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3477

SP293-22

THE WHITE HOUSE

WASHINGTON

June 16, 1993

93 JUN 16 AM: 58

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *RG*
FROM: ANTHONY LAKE *R*
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of Latvia

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Our staff has been in touch with Congress, specifically the House Merchant Marine and Fisheries and the Senate Commerce Committees, on this issue and has been advised that this treaty is not expected to draw any opposition.

RECOMMENDATION

That you sign the duplicate letters to Congress at Tab A.

Attachments

Tab A Letter to Congress in Duplicate
Tab B Fishery Agreement

cc: Vice President
Chief of Staff

*Noted
H. J.*

5
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United States fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

William Clinton

THE WHITE HOUSE,

June 17, 1993.

*To the Senate: 6-17-93
To the House: 6-17-93.*

*Rec'd
6/17/93*

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA
CONCERNING FISHERIES OFF THE COASTS
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3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

3. "fishery" means

- a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and
- b. any fishing for such stocks;

4. "exclusive economic zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

- a. the catching, taking or harvesting of fish;
- b. the attempted catching, taking or harvesting of fish;
- c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;
- d. any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "fishing vessel" means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a

type that is normally used for

- a. fishing; or
- b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing; and

7. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Finnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

ARTICLE III

1. The United States is willing to allow access for fishing vessels of Latvia to harvest, in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to fishing vessels of Latvia in accordance with United States law.

2. The United States shall determine each year, subject to such adjustments as may be appropriate and in accordance with United States law:

- a. the total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;

- b. the harvesting capacity of United States fishing vessels in respect of each fishery;
- c. the portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and
- d. the allocation of such portion that may be made available to Latvia.

3. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, inter alia:

- a. designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- b. limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;
- c. limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;

- d. requirements as to the types of gear that may, or may not, be employed; and
- e. requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The United States shall notify Latvia of the determinations provided for by this Article on a timely basis.

ARTICLE IV

In determining the portion of the surplus that may be made available to Latvia and to other countries, the United States will decide on the basis of the factors identified in United States law, including:

- 1. whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation;
- 2. whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through purchase of fish and fishery products from United States

fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;

3. whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nation requires the fish harvested from the exclusive economic zone for its domestic consumption;

5. whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

7. whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources;

8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to

- a. the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing;

- b. the conservation and management of anadromous species; and
- c. the conservation of the pollock resource in the central Bering Sea; and

9. such other matters as the United States deems appropriate.

ARTICLE V

Latvia shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as facilitating the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Latvia, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking other actions as may be appropriate.

ARTICLE VI

Latvia shall take all necessary measures to ensure:

- 1. that nationals and vessels of Latvia refrain from fishing for living resources over which the United

States has sovereign rights to explore, exploit, conserve and manage except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

ARTICLE VII

Latvia may submit an application to the United States for a permit for each fishing vessel of Latvia that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with the Annex, which constitutes an integral part of this Agreement. The United States may require the payment of fees for such permits and for fishing in the exclusive economic zone. While such fees shall be applied without discrimination, the fee level may vary depending upon, inter alia, whether, in the judgement of the United States, vessels or nationals of Latvia are harvesting United States origin anadromous species at unacceptable levels, or whether Latvia is failing to take sufficient action to benefit the conservation and development of United States fisheries. Latvia undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

ARTICLE VIII

Latvia shall ensure that nationals and vessels of Latvia refrain from harassing, hunting/capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the exclusive economic zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the United States.

ARTICLE IX

Latvia shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each vessel of Latvia is prominently displayed in the wheel house of such vessel;
2. appropriate position-fixing and identification equipment, as determined by the United States, is installed and maintained in working order on each vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the United

States shall be reimbursed for the costs incurred in the utilization of observers;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Latvia for any cause arising out of the conduct of fishing activities for the living resources over which the United States has sovereign rights to explore, exploit, conserve and manage; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure the prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Latvia as determined by applicable United States procedures.

ARTICLE X

Latvia shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the exclusive economic zone and to ensure that each vessel of Latvia that engages in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

ARTICLE XI

1. The United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Latvia or their owners, operators, or crews that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. In any case arising out of fishing activities under this Agreement, the penalty for violation of fishery regulations shall not include imprisonment except in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

4. In cases of seizure and arrest of a vessel of Latvia by the authorities of the United States, notification shall be given promptly through diplomatic channels informing Latvia of the action taken and of any penalties subsequently imposed.

ARTICLE XII

1. The United States and Latvia shall cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources over which the United States has sovereign rights to explore, exploit, conserve and manage, including the compilation of the best available

scientific information for management and conservation of stocks of mutual interest.

2. The Parties shall cooperate in the development of a periodic research plan on stocks of mutual concern through correspondence or meetings as appropriate, and may modify it from time to time by agreement. The agreed research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Latvia in the exclusive economic zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. Latvia shall cooperate with the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States. Latvia shall similarly provide such economic data as may be requested by the United States.

5. Latvia shall cooperate with the United States in matters pertaining to the implementation of United Nations General Assembly Resolution 46/215 of December, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resource in the central Bering Sea.

ARTICLE XIII

1. The United States and Latvia shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Party any dispute concerning the interpretation or application of this Agreement shall be the subject of consultations between them.

ARTICLE XIV

The United States undertakes to authorize fishing vessels of Latvia allowed to fish pursuant to this Agreement to enter ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.

ARTICLE XV

Should the United States indicate to Latvia that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of Latvia, Latvia shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XVI

Nothing contained in the present Agreement shall prejudice:

1. the views of either Party with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,
2. any other international rights and obligations of either Party.

ARTICLE XVII

The Agreement shall apply to the territories of Latvia, and to the United States, its territories and its possessions.

ARTICLE XVIII

1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of

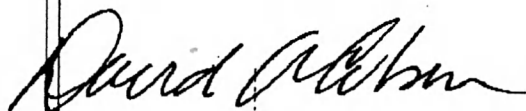
internal procedures of both Parties, and shall remain in force until June 1, 1995 unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party six months in advance.

2. At the request of either Party, this Agreement shall be subject to review by the two Parties two years after its entry into force.

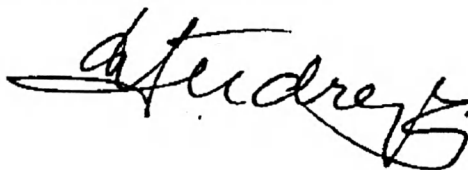
IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Washington, in duplicate, this eighth day of April, 1993 in the English and Latvian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

A handwritten signature in cursive script, appearing to read "David M. Albright".

FOR THE GOVERNMENT OF THE
REPUBLIC OF LATVIA:

A handwritten signature in cursive script, appearing to read "A. Stedre".

ANNEX

Application and Permit Procedures

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Latvia to engage in fishing for living resources over which the United States has sovereign rights to explore, exploit, conserve and manage:

1. Latvia may submit an application to the competent authorities of the United States for each fishing vessel of Latvia that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the United States for that purpose.

2. Any such application shall specify

- a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel may be requested;
- c. a specification of each fishery in which each vessel wishes to fish;

- d. the amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. the ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. such other relevant information as may be requested, including desired transshipping areas.

3. The United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform Latvia of such determinations. The United States reserves the right not to approve applications. If permit applications are disapproved, the United States authorities will inform Latvia of the reasons for such disapproval.

4. Latvia shall thereupon notify the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by Latvia and the payment of any fees, the United States shall approve the application and issue a permit for each fishing vessel of Latvia, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event Latvia notifies the United States of its objections to specific conditions and restrictions, the Parties may consult with respect thereto and Latvia may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the Parties.



May 15, 1993

3477

MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

SUBJECT: Transmission to the Congress of the Governing
International Fishery Agreement with the
Republic of Latvia

Attached for signature by the President are letters to the Senate and the House of Representatives, transmitting the Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries Off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. This agreement constitutes a governing international fishery agreement (GIFA) within the requirements of Section 201 (c) of the Magnuson Fishery Conservation and Management Act (MFCMA) (16 USC 1801 et seq.). The agreement is for two years and expires June 1, 1995.

This agreement will further the objectives of the MFCMA by providing economic benefits to the United States, and will permit the U.S. and Latvia to enter into mutually beneficial joint venture fishery arrangements and direct fishing opportunities subject to local fishery requirements.

Section 203(a) of the MFCMA provides as follows with respect to transmission to the Congress:

(a) IN GENERAL -- No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

We request prompt transmittal of this agreement to the House of Representatives and to the Senate. No fishing will be permitted until the agreement enters into force after Congressional review and an exchange of diplomatic notes with the Republic of Latvia specifying a date for entry into force in accordance with Article XVIII.

Elmer A. Kelley
for Mark Grossman
Executive Secretary

Attachments:

1. Draft letters for the House and Senate
2. Agreement

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 17, 1993

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on April 8, 1993. The agreement constitutes a governing international fishery agreement within the requirements of Section 201(c) of the Act.

United States fishing industry interests have urged prompt consideration of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures. I recommend that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 17, 1993.

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

#3477

TITLE: Fishery Agreement - U.S. & Latvia

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

*EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

*MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER:

RECEIVED: (Advance: 6/16/93 Time: 11:00 a.m./p.m.)
In final: 1/193 Time: a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 6/16/93 Time: 3:00 a.m./p.m.)
In final: 1/193 Time: a.m./p.m.

TO JOHN PODESTA'S OFFICE:

(For staffing: 6/16/93 Time: 3:35 a.m./p.m.)
In final: 1/193 Time: a.m./p.m.

INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: 6/17/93 Time: 11:05 a.m./p.m.
POSTED: 1/193 Time: a.m./p.m.

NOTIFICATIONS:

Ma
(Initials) 6-18-93
Roy Hamilton / 7:35 am
(Person/time)

*Copies of all signed EOs or Memos to
Bernard Nussbaum, W.H. Counsel, 2d, WW
NSC, when appropriate -- Desk Officer;
W.H. Situation Room -- x2585.

(Person/time)

(Other)

(Person/time)

(Other)

OTHER INFORMATION:

OK (JP)
WTC
JAB

6/17/93

THE WHITE HOUSE
WASHINGTON
ORM OPTICAL DISK NETWORK

ID# 02352088

Hardcopy pages are in poor condition (too light or too dark).

X

Remainder of case not scanned.

Oversize attachment not scanned.

Report not scanned.

Enclosure(s) not scanned.

Proclamation not scanned.

Incoming letter(s) not scanned.

Proposal not scanned.

Statement not scanned.

Duplicate letters attached - not scanned.

Only table of contents scanned.

No incoming letter attached.

Only tracking sheet scanned.

Photo(s) not scanned.

Bill not scanned.

Resolution not scanned.

Comments:



cc: Fried

EMBASSY OF LATVIA

4325 17th Street, N.W.
Washington, D.C. 20011
Phone: (202) 726-8213
Fax: (202) 726-6785

FACSIMILE COVER SHEET

TO: John Byrne
FROM: Amb. Kalnins
DATE: April 4
3 pages to follow

Latvia

MESSAGE:

We are transmitting an
unofficial translation of
President Umanis' address
of April 3.

Riga, April 3, 1995

**OFFICE OF THE STATE PRESIDENT
OF THE REPUBLIC OF LATVIA**

Latvia's State President Guntis Ulmanis today announced his decision not to participate in the celebration in Moscow marking the 50th anniversary of the end of World War II.

Guntis Ulmanis emphasized that the special stance of the Baltic countries toward World War II firstly is determined by the fact that Latvia, Estonia and Lithuania were the only countries which lost their statehood as a result of pre- and post-war acts.

The President pointed out that the end of World War II actually reiterated and formalized the 1940 occupation of the Baltic countries resulting from the Molotov-Ribbentrop Pact. He emphasized that national-socialist crimes against Latvia, as well as those of communism, were both equally serious.

Guntis Ulmanis expressed regret that Russia, as one of the first countries in the world to recognize the independence of the Baltic countries in 1991, still has not condemned the occupation by the Soviet Union or stated that the destinies of the Baltic countries will never again be determined behind their backs.

The President expressed his respect to the memories of those Russian people who lost their lives in the Second World War. He announced that Latvia's leadership is inviting the people of Latvia to commemorate the end of World War II on the 8th of May and bend their heads in sorrow in front of all those whose destinies were crippled and lives wiped out by war.

REMARKS OF PRESIDENT ULMANIS

In reflecting upon the events commemorating 50 years since the end of World War II, I was guided by the following considerations:

-World War II was forced onto Latvia. In the minds of our people it is closely related to the unlawful Molotov-Ribbentrop pact, the consequences of which we are still fighting against even now;

-This pre-war arrangement between two great powers and its realization affirmed that national-socialism and totalitarian communism were equally detrimental to the Latvian nation and its people;

-The result of World War II actually repeated and strengthened the 1940 occupation of the Baltic countries. It divided our peoples, in a cruel and prolonged manner crippled our destinies, our economy;

-The Baltic countries have a right to a special status regarding the end of World War II. Because Latvia, Estonia and Lithuania are the only countries which lost their statehood as a result of pre- and post-war arrangements, ending up in the captivity of a foreign ideology and mentality;

-On the 50th anniversary commemoration day we will honor and mention those countries and people who jointly defeated the Third Reich and its ideology;

-In commemorating this day, we must think not only of the injustices of history, but mainly of the future of our country and our people.

Today it is not in our power to restore those lives which Latvia lost during the years of war and deportations. However, we have many opportunities to assure that such tragedies are never repeated.

That is why we have invited our neighboring countries to honestly evaluate among themselves the injustices that have been done.

Russia was one of the first countries to recognize our independence. Therefore, the Baltic countries had a basis to believe that Russia, on the eve of this historic anniversary event, would condemn the 1940 Soviet occupation of the Baltic countries and vow that similar events will never reoccur.

The Russian leadership has had enough responsibility and courage to resolve its relations with various European countries in such a way. And that resulted in an international elevation of prestige of this country.

The Baltic people have not yet been granted (the opportunity to hear??) this biting truth. That leads us to ponder how justified is the desire of our neighboring country to become one of the world's pillars for stability? How the democratization of this country can't be turned back.

These difficult-to-answer questions allow us to be especially sensitive to each signal that could testify to the possibility of drawing new lines on world maps. About the creation of a grey security zone in Europe.

That reminds us all the more painfully that, for the Latvian people, this war ended only recently, when the last Russian army soldier departed Latvia. However, there are many wounds from the war remaining in our country. They include Skrunda and the thousands of people who don't consider Latvia as their homeland.

But still, only in cooperation with Russia, together with its democratic forces, not against them, can Latvia's future security be envisioned.

Latvia honors the memories of all those Russian people who lost their lives in the years of World War II. Our people are also aware of the sufferings forced upon these people by Stalinism.

That is why today my decision unites both the pain of the historic tragedy of our people, as well as the desire to do everything possible for the good of Latvia's future.

After carefully considering the above-mentioned concerns, I do not see the possibility of accepting President Yeltsin's invitation to attend the celebrations in Russia's capital.

I have already informed the government and the Presidents of both Baltic countries about this decision.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. report	Re: [Latvia] [Released in Part] (2 pages)	03/07/1995	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Fried, Daniel)
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FOLDER TITLE:

Latvia - Richard Schifter [2]

2011-1037-F
ke2184

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



Intelligence Report

Office of Slavic and Eurasian Analysis

7 March 1995

Latvia: Political and Economic Overview

3.5c

A peaceful government transition, the promulgation of a moderate citizenship law, and adherence to an ambitious economic program during the past year demonstrate Latvia's continued commitment to democratic and free market reforms.

3.5c

In July 1994, a dispute over agricultural tariffs precipitated the collapse of the coalition government formed after the June 1993 parliamentary elections by the Latvia's Way and Farmers' Union parties.

- President Ulmanis first tapped the increasingly popular nationalist Latvian National Independence Movement (LNNK) to form a government, but the Parliament rejected the proposed rightwing coalition.
- ***In September, Ulmanis again turned to Latvia's Way—the dominant party in the Parliament, holding 33 of the 100 seats—to form a government.*** The Parliament accepted the centrist coalition put forth by Prime Minister Gailis, which includes Latvia's Way, the Political Economists Union, and several independents--among them two Farmers' Union defectors.

3.5c

The Gailis government currently appears strong enough to fulfill the remainder of its term, but ***the popularity of Latvia's Way's is declining as a result of public perceptions that Riga is too conciliatory toward Moscow. As a result, Latvia's Way probably will lose power during the October 1995 parliamentary elections.*** In what may have been a harbinger, nationalist parties trounced Latvia's Way during May 1994 local government elections.

3.5c

As a sign of the Parliament's growing political maturity, the legislature adopted an unpopular, but comparatively liberal and internationally acceptable, citizenship law during the summer 1994 government crisis and in the face of strong public support for nationalist parties.

- In response to widespread criticism from Western countries and the Council of Europe (COE), the Parliament deleted a strict quota provision that would have limited naturalizations to only 2,000 individuals per year.

Declassified in Part

Per E.O. 13526

2016-0314-M-1 (1.71)

6/12/2023 VZ

3.5c

- The passage of the law removed the last obstacle to COE membership; Latvia was formally admitted on 10 February 1995. 3.5c

Latvia is second only to Estonia in progress on economic reform in the former Soviet Union (FSU). Riga has ardently pursued a program of financial austerity and economic restructuring to counteract the three-year-old crisis resulting from the disintegration of the former Soviet command-administrative system and disruptions in trade with other FSU states.

- *Private enterprises now account for over 55 percent of Latvian GDP*, as Riga has made rapid headway in privatizing most farms and small enterprises. Most large and medium-size industrial firms remain in government hands, but the regime recently undertook new initiatives to expedite their transfer, including making a public request for buyers for 45 enterprises in November.
- *The government has freed all prices*, except utilities and rents.
- Since introducing its national currency--the lat--in 1992, the government has tightly controlled monetary emissions. *The lat is now one of the most stable currencies in Europe.*
- *In February, an IMF delegation praised Latvia's performance*, noting the 10-percent drop in annual inflation during 1994--at 34 percent, the lowest among the FSU states. The IMF also highlighted Latvia's 2-percent increase in GNP over 1993, and the Fund *projected GNP to grow by 3 to 5 percent this year.* 3.5c

Latvia has made steady gains in diversifying its trade relations away from the weak economies of the FSU. Trade with members of the CIS now accounts for only about 40 percent of total trade, as compared with over 80 percent in 1990, according to official statistics. Russia remains Latvia's largest partner, accounting for 28 percent of total two-way trade. 3.5c

Latvia's economic prospects are good. The surging strength of the private sector, coupled with increasing efficiency in industry as a whole, probably will lead to renewed economic growth this year. 3.5c

This report was requested by the National Security Council in advance of Vice President Gore's planned visit to Estonia. It was prepared by 3.5c Office of Slavic and Eurasian Analysis. Comments and queries are welcome and may be directed to Chief, New States Division, OSE, 3.5c

CENTRAL AND EASTERN EUROPE: POLICY-BASED SUPPORT FROM IFI'S

<u>Country</u>	<u>IMF Programs</u>	<u>IBRD Policy-Based Programs</u>
Estonia	-- \$16 million credit under Stand-by Arrangement (SBA) (10/27/93) - Policy Focus: Reduce inflation, increase growth and turnaround employment trends & accelerate structural reforms allowing for increased private sector and reduced role of state in economy. -- \$33 million credit under Systemic Transformation Facility (STF) (10/27/93) - Policy Focus: BOP support.	-- \$20 million Enterprise and Financial Sector Project Loan (under neg.). Policy Focus: Support enterprise and financial sector restructuring and privatization. Strengthen the financial sector's ability to support the development of the private sector.
Latvia	-- \$32 million credit under SBA (12/15/93) - Policy Focus: Reduce inflation, maintain prudent fiscal policies, strengthen functioning of markets, and improve price and wage flexibility policies. Also achieve positive growth. -- \$64 million credit under STF (12/15/93) - Policy Focus: BOP support.	-- \$30 million Enterprise and Financial Sector Project Loan (under neg.). Policy Focus: Support enterprise and financial sector restructuring and privatization. Strengthen the financial sector's ability to support the development of the private sector.

NATIONAL SECURITY COUNCIL

06-Jan-1994 16:20 EDT

UNCLASSIFIED

MEMORANDUM FOR:

R. Nicholas Burns
Jenonne R. Walker

(BURNS)
(WALKER)

FROM:

Richard Schifter
(SCHIFTER)

SUBJECT:

Latvia's Treatment of Russians

I spoke to Max van der Stoel today. He is in Riga, greatly concerned about further developments in the drafting of Latvia's citizenship law. He is of the view that the naturalization of Russians will be very difficult if the present draft is adopted and that amendments which the parliament might adopt are likely to make naturalization virtually impossible.

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