

北太平洋公海漁業資源養護與管理公約

諸締約方，

承諾確保北太平洋漁業資源之長期養護與永續利用，藉此維護這些資源所在之海洋生態系；

回顧反映在1982年12月10日「聯合國海洋法公約」、1995年12月4日「為履行1982年12月10日『聯合國海洋法公約』有關養護與管理跨界魚群及高度洄游魚群相關條款之協定」及1993年11月24日「促進公海漁船遵守國際養護與管理措施協定」中之相關國際法，並考量1995年10月31日聯合國糧農組織第28屆大會通過之「責任漁業行為規約」，及2008年8月29日聯合國糧農組織通過之「為公海深海漁業管理之國際指導方針」；

注意到聯合國大會於其第 61/105 號及第 64/72 號決議中呼籲採取步驟以保護脆弱海洋生態系及相關物種不受破壞性捕魚作為之重大負面衝擊，及第 60/31 號決議鼓勵國家酌情承認 1995 年 12 月 4 日「為履行 1982 年 12 月 10 日『聯合國海洋法公約』有關養護與管理跨界魚群及高度洄游魚群相關條款之協定」的一般原則亦可適用於公海獨立魚群；

承認蒐集科學數據以瞭解區域內海洋生物多樣性及生態，以及評估漁業對海洋物種和脆弱海洋生態系衝擊之必要；

意識到避免對海洋環境造成負面衝擊、保存生物多樣性、維持海洋生態系之完整，及降低捕魚作業造成長期或不可逆影響風險之需求；

關切不受規範底層捕魚活動對北太平洋公海海洋物種與脆弱海洋生態系可能的負面衝擊；

進一步承諾進行負責任之捕魚活動，並有效合作以預防、嚇阻及消除非法、未報告及未受規範之捕魚活動(「IUU 捕魚」)，及該等活動對全球漁業資源及其所在之生態系狀態的負面衝擊。

經協議如下：

第一條

用語

為本公約之目的：

- (a) 「1982 年公約」是指 1982 年 12 月 10 日「聯合國海洋法公約」；
- (b) 「1995 年協定」是指 1995 年 12 月 4 日「為履行 1982 年 12 月 10 日聯合國海洋法公約有關養護與管理跨界魚群及高度洄游魚群相關條款之協定」；
- (c) 「底層捕魚」是指正常捕魚作業過程中，漁具可能與海床接觸之捕魚活動；
- (d) 「共識」是指採行決定時，未提出任何正式反對；
- (e) 「締約方」是指已同意受本公約拘束且本公約對其生效之任何國家或區域經濟整合組織；
- (f) 「公約區域」是指本公約適用之區域如第四條第一項所規定者；
- (g) 「FAO 國際指導方針」意指由聯合國糧農組織於 2008 年 8 月 29 日通過，及得不時修正之「為公海深海漁業管理之國際指導方針」；
- (h) 「漁業資源」是指在公約區域內由漁船所捕獲之所有魚類、軟體動物、甲殼動物及其他海洋物種，惟排除：

- (i) 沿海國依「1982 年公約」第七十七條第四項享有主權權利的定居種，及本公約第十三條第五項所列，或依該項所通過之脆弱海洋生態系的指標物種；
 - (ii) 降河產卵魚種；
 - (iii) 海洋哺乳類、海洋爬蟲類與海鳥；及
 - (iv) 已被現存國際漁業管理文件在其權限內所涵蓋之其他海洋物種；
- (i) 「捕魚活動」是指：
- (i) 漁業資源之實際或嘗試的搜尋、捕捉、獲取或採收；
 - (ii) 從事任何能合理預期為任何目的而對漁業資源造成定位、捕捉、獲取或採收之活動；
 - (iii) 這些資源在海上之加工以及這些資源在海上或港口之轉載；及
 - (iv) 任何直接支援，或為準備，上述第 i 款至第 iii 款所述任何活動之海上作業，除了涉及船員健康及安全或漁船安全有關緊急情況的任何作業；
- (j) 「漁船」是指為從事捕魚活動之目的所使用或意圖使用之任何船舶，包括魚加工船、支援船、運搬船，及直接從事該等捕魚活動之任何其他船舶；
- (k) 「IUU 捕魚」是指聯合國糧農組織 2001 年預防、嚇阻和消除非法、未報告及未受規範捕魚國際行動計畫第三段所列之活動，及其他得由委員會所決定之活動；
- (l) 「預防性作法」是指「1995 年協定」第六條所述之預防性作法；
- (m) 「區域經濟整合組織」是指其會員國已將本公約所涵蓋事務之管轄權移轉至該組織之區域經濟整合組織，包括就該等事務對其會員作出具拘束力決定之權限；及

- (n)「轉載」是指在海上或在港口內，自一艘漁船卸下任何在公約區域獲取之漁業資源或漁業資源產品至另一艘漁船。

第二條

目標

本公約之目標在確保公約區域內漁業資源之長期養護與永續利用的同時，保護該等資源所在之北太平洋海洋生態系。

第三條

一般原則

為施行本公約之目標，下列行動應個別地或在適當時集體地採取：

- (a)促進漁業資源之最適利用及確保其長期永續；
- (b)基於最佳可得之科學資訊，並考慮捕魚型態、魚群之相互依賴及任何獲普遍建議，不論是次區域、區域或全球性之國際最低標準，通過措施以確保漁業資源被維持在或恢復到可產出最大永續產量之水準；
- (c)依據漁業之預防性作法及生態系作法，以及依據特別是反映在「1982年公約」、「1995年協定」與其他相關國際文件中之國際法相關規定，通過並履行措施；
- (d)評估捕魚活動對與目標魚群屬於同一生態系或與其相依或相關之物種的衝擊，並在必要之處對該物種採取養護與管理措施，以維持或恢復該物種之族群量到其繁殖可能受到嚴重威脅的水準之上；
- (e)在考量到包括「FAO國際指導方針」在內之任何相關國際標準或指導方針下，保護海洋環境之生物多樣性，包括藉由防止對脆弱海洋生態系之重大負面衝擊；

- (f) 預防或消除過漁及過剩漁撈能力，並確保漁獲努力量或採捕之水準係基於最佳可得之科學資訊，且不超过與漁業資源永續利用相稱之水準；
- (g) 確保與包括針對公約區域內所有目標和非目標魚種捕魚活動相關之完整且準確數據，以及時且適當方式進行蒐集與分享；
- (h) 確保任何漁獲努力量之擴張、新漁業或探勘性漁業之發展、或現有漁業使用漁具之變更，在未對該等捕魚活動對漁業資源長期永續之衝擊進行事前評估以及確定該等活動不會對脆弱海洋生態系造成重大負面衝擊前，不進行活動，或確保該等活動已受管理以預防該等衝擊，否則該等活動不應被授權得以進行；
- (i) 依據「1995 年協定」第七條，確保為公海跨界魚群資源所訂定之養護與管理措施和國家管轄區域內所採行之養護與管理措施相容，以確保該等漁業資源養護與管理之整體性；
- (j) 有效確保遵守養護與管理措施，及依違反行為之嚴重程度所適用的處分是適當的，以阻止在任何地點發生違反行為，及剝奪違反者自其非法活動中所獲取之利益；
- (k) 在可行範圍內，透過包括發展和使用具選擇性、對環境安全及具成本效益之漁具和技術等措施，減少來自漁船的污染和廢棄物、因流失或遺棄漁具而造成的丟棄物、捕撈物，及對其他物種和海洋生態系之衝擊；及
- (l) 在符合國際法下，以公平、透明和無歧視之方式適用本公約。

第四條

適用區域

1. 本公約適用於北太平洋公海區域，但不包括白令海公海區域及被單一國家專屬經濟海域所包圍之其他公海區域。適用區域之南界為一

條連續線，自美國管轄之北馬里亞納群島水域北緯20度向海外界線起，向東連接下列坐標：

- 北緯 20 度 0 分 0 秒，東/西經 180 度 0 分 0 秒；
- 北緯 10 度 0 分 0 秒，東/西經 180 度 0 分 0 秒；
- 北緯 10 度 0 分 0 秒，西經 140 度 0 分 0 秒；
- 北緯 20 度 0 分 0 秒，西經 140 度 0 分 0 秒；及
- 向東至墨西哥漁業管轄水域向海外界線。

2. 本公約或依本公約所實行之任何行為或活動，不應構成對任何締約方就其所主張水域或區域之法律地位和範圍的主張或立場之承認。

第五條

委員會之設立

1. 茲設立北太平洋漁業委員會（以下簡稱「委員會」），委員會應依本公約條款運作。各締約方應為委員會之會員。
2. 本公約所指之捕魚實體得依據附件參與委員會之工作。捕魚實體參與委員會之工作，不應構成偏離包括「1982年公約」在內之國際法已被接受的適用。
3. 委員會每兩年應至少召開一次例會，其時間與地點由委員會決定，並得召開為執行本公約功能所需要之其他會議。
4. 任一委員會會員得要求召開委員會會議，該會議應於委員會多數會員之同意下召開。主席遂後應及時召開該會議，時間與地點得由主席與委員會會員諮商後決定。
5. 委員會應自締約方代表間選出主席及副主席各一名，兩者應來自不同締約方。主席及副主席任期兩年，並得連選連任，但不應連續擔任同一職位超過四年。主席及副主席應持續在職，直至其繼任者被選出為止。

6. 委員會應應用成本效益原則於委員會及其附屬機構之會議頻率、會期長度與日程。
7. 委員會應具國際法人格，及執行其功能和達成其目標得需要之法律能力。委員會及其官員在締約方之領域內所應享特權與豁免，應由委員會與相關締約方間之協定定之。
8. 依據委員會應通過之議事規則，委員會及附屬機構之所有會議應開放予經認定資格之觀察員參與。相關文件應依該議事規則予以公開。
9. 委員會得設立一由執行秘書及委員會所需其他職員組成之常設秘書處，及/或與一現存組織之秘書處達成提供服務之契約安排。執行秘書應由締約方同意後任命之。

第六條

附屬機構

1. 茲設立科學次委員會及技術與遵約次委員會。委員會得以共識決不時地設立任何其他附屬機構，以協助達成本公約之目標。
2. 各附屬機構應於每次會議後提交乙份工作報告予委員會，在其適當之處包括對委員會之意見與建議。
3. 附屬機構得設立工作小組，並得依委員會所定之各項指導方針尋求外部意見。
4. 附屬機構應向委員會負責，並應依據委員會議事規則運作，除非委員會另有決定。

第七條

委員會之功能

1. 依據第三條所列諸原則，並基於最佳可得之科學資訊及科學委員會之意見，委員會應：

- (a) 通過養護與管理措施以確保公約區域內漁業資源之長期永續，包括委員會得決定之漁業資源總可捕量或總可容許漁獲努力量之水準；
 - (b) 確保總可捕量或總可容許漁獲努力量之水準，係依據科學次委員會之意見與建議；
 - (c) 在必要之處，對與目標魚群屬同一生態系或與其相依或相關之物種通過養護與管理措施；
 - (d) 在必要之處，對任何漁業資源及對與目標魚種屬同一生態系或與其相依或相關之物種，通過為達成本公約目標所必要之管理策略；
 - (e) 通過養護與管理措施，以防止對公約區域內脆弱海洋生態系之重大負面衝擊，包括但不限於：
 - (i) 為執行與審查衝擊評估所為之措施，以決定捕魚活動是否對特定區域內之該等生態系產生衝擊；
 - (ii) 為處理脆弱海洋生態系在正常底層捕魚活動過程中非預期的遭遇所為之措施；及
 - (iii) 酌情明訂不應發生捕魚活動之地點的措施；
 - (f) 決定參與現有漁業之本質與程度，包括透過捕魚機會之分配；
 - (g) 以共識訂定公約區域內任何新漁業之條款與條件，及參與該等漁業之本質與程度，包括透過捕魚機會之分配；及
 - (h) 在與確保本公約所涵蓋漁業資源之長期永續的需求一致下，同意新締約方之捕魚利益得被接納之方式。
2. 委員會應通過措施，以確保有效之監視、控管與偵察，及對本公約條款和依本公約所通過措施之遵守與執行。為此目的，委員會應：
- (a) 對於在公約區域內所捕獲漁業資源及漁業資源產品之轉載，訂定管制與監視之程序，包括通知委員會任何轉載之地點與數量；
 - (b) 在考量相關國際標準和指導方針下，發展並履行北太平洋漁業觀

察員計畫（以下簡稱「觀察員計畫」）；

(c) 訂定公約區域內漁船登臨與檢查之程序；

(d) 為有效監視、控管與偵察訂定適當之合作機制，以確保委員會所通過養護與管理措施之執行，包括預防、嚇阻及消除 IUU 捕魚之機制；

(e) 為委員會會員以使用即時衛星定位發報器報告在公約區域內從事捕魚活動漁船之移動與活動，發展標準、規格及程序，並依該等程序，協調從會員之衛星船舶監視系統所蒐集數據之及時散播；

(f) 對捕撈或計劃捕撈公約區域內漁業資源之漁船，訂定及時通報委員會其進、出公約區域之程序；

(g) 在適當之處，訂定符合國際法之非歧視性市場相關措施，以預防、嚇阻及消除 IUU 捕魚；及

(h) 為審查本公約條款及依本公約所通過措施之遵守情形訂定程序。

3. 委員會應：

(a) 必要時以共識決通過及/或修正其會議運作與功能行使之規則，包括議事規則、財務規章及其他規章；

(b) 為科學次委員會、技術與遵約次委員會、及在必要時為其他附屬機構，通過工作計畫及設置要點；

(c) 就委員會可能需要作出關於養護與管理漁業資源、及與目標魚群屬同一生態系或與其相依或相關之物種，以及關於評估與處理捕魚活動對脆弱海洋生態系之衝擊的決定，向科學次委員會提交與該等決定之科學基礎相關的任何問題；

(d) 對公約區域內任何實驗性、科學性及探勘性捕魚活動訂定條款與條件，並決定就漁業資源、脆弱海洋生態系及與目標魚群屬同一生態系或與其相依或相關物種之任何科學合作研究的範圍；

(e) 通過及不時修正脆弱海洋生態系指標物種清單，而以該物種為標

的之捕魚應予禁止；

(f) 指示委員會之對外關係；及

(g) 在有必要時，行使其他功能及執行其他活動以促進本公約之目標。

第八條

決策

1. 作為一般規則，委員會應以共識作成決定。
2. 除本公約明文規定決定應以共識作成者外，倘主席認為達成共識之一切努力已用罄時：
 - (a) 有關委員會程序問題之決定，應由委員會會員以投贊成票或反對票之多數決方式作出；及
 - (b) 對實質問題之決定，應由委員會會員以投贊成票或反對票之四分之三多數決方式作出。
3. 對某一問題是否為實質問題成為議題時，該問題應視為實質問題。
4. 在作出決定之際，除非達三分之二委員會會員出席之法定人數，否則不得作出決定。

第九條

委員會決定之履行

1. 委員會所作具拘束力之決定應依下列方式生效：
 - (a) 委員會通過後，委員會主席應迅速將該決定以書面通知所有委員會會員；
 - (b) 該決定應於上述第 a 款主席之委員會通過決定通知書所載發送日期後九十天，對所有委員會會員產生拘束力，除非該決定中另有載明；
 - (c) 委員會會員僅得以該決定與本公約、「1982 年公約」或「1995 年

協定」之條款不一致，或者在形式上或實質上不合理地對其歧視為由，反對該決定；

- (d)倘一委員會會員提出反對，其應在該決定依上述第 b 款產生拘束力之日期前至少兩週，以書面通知委員會主席；在此情況下，該決定於所述範圍內不應對該會員產生拘束力；然該決定仍對所有其他會員有拘束力，除委員會另有決定外；
- (e)依上述第 d 款下提出通知書之任何委員會會員，應闡述該決定究係與本公約、「1982 年公約」或「1995 年協定」之條款不一致，或是在形式上或事實上不合理地對其歧視，並應同時提供其立場依據之書面解釋。該會員亦必須通過並履行與其反對之決定具等同效果且適用日期相同之替代措施；
- (f)主席應將依上述第 d 款及第 e 款所收到之任何通知和解釋的詳細內容，迅速週知所有委員會會員；
- (g)當任何委員會會員發動上述第 d 款及第 e 款中所述之程序時，委員會會議應在任何其他會員之要求下召開，以審查遭提出反對之決定。委員會應自費邀請兩位或更多非委員會會員之國民，且對漁業相關之國際法及區域漁業管理組織的運作有充分知識之專家參加該會議，就系爭問題向委員會提供意見。該等專家之選任與活動，應依委員會所將通過之程序為之；
- (h)委員會會議應考慮委員會會員所提闡述反對之依據是否有理，及所通過之替代措施是否與反對之決定具等同效果；
- (i)倘委員會認定遭反對之決定未在形式上或實質上歧視該提出反對之委員會會員，且與本公約、「1982 年公約」或「1995 年協定」並無不一致，然該替代措施與委員會之決定具等同效果且應獲委員會接受者，該替代措施應取代遭反對之決定，對提出反對之會員產生拘束力；及

- (j) 倘委員會認定遭反對之決定未在形式上或實質上歧視該提出反對之會員，且與本公約、「1982 年公約」或「1995 年協定」並無不一致，然該替代措施與遭反對之決定並無等同效果時，提出反對之會員得：
- (i) 提出不同替代措施供委員會考慮；
 - (ii) 於 45 天內履行其所反對之原決定；或
 - (iii) 依據第十九條或附件第四項展開爭端解決程序。
2. 行使第一項所訂異議權之任何委員會會員得隨時撤回其反對通知書，如該決定已生效則立即受其拘束，或於該決定依本條生效之時受其拘束。

第十條

科學次委員會

1. 科學次委員會應依委員會將於首次例會所通過及得不時修正之設置要點，提供科學意見與建議。
2. 除委員會另有決定外，科學次委員會應至少每兩年一次，並於委員會例會前集會。
3. 科學次委員會應盡一切努力以共識決通過其報告。倘為達成共識之一切努力皆告失敗，該報告應指出多數與少數見解，並得包括會員代表對報告全部或部分內容不同之見解。
4. 科學次委員會之功能應為：
 - (a) 向委員會建議一個包括將由科學專家、其他組織或適當個人處理之特定議題和項目的研究計畫，並辨識數據需求與協調達成該等需求之活動；
 - (b) 定期規劃、進行和檢視公約區域內漁業資源現況之科學評估，辨識養護與管理該等資源所需之行動，並向委員會提供意見與建議；

- (c) 蒐集、分析及散播相關資訊；
 - (d) 評估捕魚活動對漁業資源及與目標魚種屬同一生態系或與其相依或相關物種之衝擊；
 - (e) 發展一套辨識脆弱海洋生態系之程序，包括為此作為之相關標準，及基於最佳可得科學資訊辨識已知存在或可能存在該等生態系之區域或特徵，並於妥適考量保護機密資訊之需求下，辨識與該等區域或特徵相關之底層漁業位置；
 - (f) 辨識脆弱海洋生態系中額外之指標物種，並就此向委員會提出意見，而以該等物種為標的之捕撈應予禁止；
 - (g) 基於如「FAO 國際指導方針」之國際標準，訂定以科學為基礎之標準及基準，以判定底層捕魚活動是否可能對特定區域內之脆弱海洋生態系或海洋物種產生重大負面衝擊，並就避免此類衝擊之措施提出建議；
 - (h) 審查任何評估、判定及管理措施，並提出任何必要建議，以達成本公約之目標；
 - (i) 為漁業資源、與目標魚群屬同一生態系或與其相依或相關物種，及公約區域內捕魚活動之資料蒐集、確認、報告、安全、交換、取得及散播，發展規則與標準供委員會通過；
 - (j) 於可行範圍內，分析各項養護與管理替代措施達成委員會所通過或考量中之任何管理策略的程度，並將該分析提供予委員會；及
 - (k) 倘其認為適當或應委員會要求，向委員會提供其他科學意見。
5. 科學次委員會得依委員會根據上述第四項第 i 款及第二十一條所通過之規則與標準，與其他相關科學組織或安排就互利之事務交換資訊。
6. 科學次委員會不應重複進行其他涵蓋公約區域之科學組織和安排的活動。

第十一條

技術與遵約次委員會

1. 技術與遵約次委員會之功能應為：
 - (a) 監視並審查委員會所通過養護與管理措施之遵守，必要時並得向委員會提出建議；及
 - (b) 審查委員會所通過之監視、控管與偵察及執法合作措施的履行情況，並得於必要時向委員會提出建議。
2. 委員會應決定技術與遵約次委員會應於何時召開其首次會議。除委員會另有決定外，此後技術與遵約次委員會應至少每兩年一次，並於委員會例會前集會。
3. 技術與遵約次委員會應盡一切努力以共識決通過其報告。倘為達成共識之一切努力皆告失敗，該報告應指出多數與少數見解，並得包括會員代表對報告全部或任何部分不同之見解。
4. 在履行其功能時，技術與遵約次委員會應：
 - (a) 提供論壇，以交換關於委員會會員在公約區域內履行委員會所通過養護與管理措施，以及酌情在鄰接水域內採取互補措施之方法的資訊；
 - (b) 提供交換執法資訊之論壇，包括執法之努力、策略及計畫；
 - (c) 接受委員會各會員關於其為監視、調查及處罰違反本公約條款與依本公約所通過措施之行為已採行措施的報告；
 - (d) 向委員會報告其就養護與管理措施遵守程度之發現或結論；
 - (e) 對關於監視、控管與偵察之事項向委員會作出建議；
 - (f) 發展規則與程序，以管理為監視、控管與偵察之目的所使用的數據及其他資料；及
 - (g) 考慮並/或調查委員會可能交付處理之其他任何事務。

5. 技術與遵約次委員會應根據委員會得隨時通過之程序和指導方針行使其功能。

第十二條

預算

1. 委員會各會員應自行負擔其參加委員會會議及附屬機構會議所需之費用。
2. 委員會應在每次例會以共識決通過下兩年之個別年度預算，執行秘書應在不遲於討論該等預算之委員會例會召開的六十天前，將個別年度之預算草案連同繳付時程送交會員。倘委員會對通過某年度之預算無法達成共識，上一年度之預算應延用至該年度。
3. 預算應由委員會會員依委員會以共識決通過之公式分攤。在某會計年度中成為委員會會員者，應分攤按其成為會員之日起該年度剩餘整月月數所占比例計算之預算。
4. 執行秘書應通知委員會各會員其應繳納之會費數額。會費應在不遲於該通知日期後四個月以委員會秘書處所在國之貨幣繳付。無法如期繳費之委員會會員應向委員會解釋其無法如此作之原因。
5. 連續兩年未繳交全額會費之委員會會員不應具參與委員會決策之資格，且不得對委員會所作任何決定提出反對，直至其向委員會履行其財務義務止。
6. 委員會財務應每年由委員會選任之外部稽核員審計。

第十三條

船旗國義務

1. 各締約方於必要時應採取措施，以確保有權懸掛其旗幟之漁船：
(a) 於公約區域作業時遵守本公約條款及依本公約所通過之措施，且

不從事任何減損該等措施有效性之活動；及

(b)不於鄰接公約區域之其他國家管轄區域內進行未經授權之捕魚活動。

2. 締約方不應允許任何有權懸掛其旗幟之漁船於公約區域內從事捕魚活動，除非該漁船業經該締約方適當之當局授權。各締約方應僅在可對有權懸掛其旗幟之漁船有效行使其於本公約、「1982年公約」與「1995年協定」下之責任時，始得授權該等漁船於公約區域內從事捕魚活動。
3. 對有權懸掛其旗幟之漁船違反本公約條款、依本公約所通過之措施，及第二項所授權之捕魚活動，各締約方應確保在其法律架構下該等捕魚活動亦構成違反行為。
4. 各締約方應要求有權懸掛其旗幟並在公約區域內從事捕魚活動之漁船：
 - (a)在公約區域內時，依第七條第二項第 e 款所發展之程序，使用即時衛星定位發報器；
 - (b)依第七條第二項第 f 款所發展之程序，通知委員會其進、出公約區域之意圖；及
 - (c) 於委員會依第七條第二項第 a 款所通過轉載之規範與監視程序前，通知委員會自公約區域取得之漁業資源及其產品之任何轉載地點。
5. 各締約方應禁止有權懸掛其旗幟之船舶針對下列各目物種進行捕撈：「軟珊瑚目」(Alcyonacea)、「黑珊瑚目」(Antipatharia)、「柳珊瑚目」(Gorgonacea)及「石珊瑚目」(Scleractinia)，及由科學次委員會不時認定且經委員會通過之其他脆弱海洋生態系指標物種。
6. 各締約方應依第七條第二項第 b 款所建立之觀察員計畫，派遣觀察員至有權懸掛其旗幟之漁船。在該觀察員計畫下，於公約區域從事

底層捕魚之漁船應有百分之一百的涵蓋率。在公約區域從事其他類型捕魚活動漁船之觀察員涵蓋率應有委員會得決定之水準。

7. 各締約方應確保有權懸掛其旗幟之漁船依委員會根據第七條第二項第c款所通過之公約區域內漁船登臨與檢查程序，接受經適當授權之檢察員登船。經適當授權之檢查員應遵守該等程序。
8. 為有效履行本公約之目的，各締約方應：
 - (a) 依委員會通過之資訊要求、規則、標準和程序，維持有權懸掛其旗幟並經授權於公約區域從事捕魚活動之漁船紀錄；
 - (b) 依委員會所應訂定之程序，每年向委員會提供經委員會決定關於本項所要求維持漁船紀錄中之每一漁船資訊，並應迅速將該等資訊之任何修正通知委員會；及
 - (c) 於依第十六條所要求之年度報告中，提供委員會前一曆年漁船紀錄中從事捕魚活動之漁船名稱。
9. 各締約方亦應迅速知會委員會：
 - (a) 紀錄之任何增加；及
 - (b) 紀錄之任何刪除，並指明係適用下列何者理由：
 - (i) 漁船船主或經營者自願放棄捕魚許可；
 - (ii) 依第二項核發予該漁船之捕魚許可遭撤銷或不予更新；
 - (iii) 相關漁船不再有權懸掛其旗幟之事實；
 - (iv) 相關漁船已解體、除役或滅失；或
 - (v) 附有具體解釋的任何其他理由。
10. 委員會應以依第八項及第九項所提交之資訊為基礎，保存其自身之漁船紀錄。委員會應妥適考量保護個人資訊保密之需要，在符合各締約方之國內實踐下，透過經同意之方式公開該紀錄。委員會亦應在任何締約方請求下，提供該締約方委員會紀錄中未公開之任何漁船資訊。

11. 未提交第十六條第三項所要求關於有權懸掛其旗幟漁船在公約區域內任一年之捕魚數據和資訊的任何締約方，在提供該等數據與資訊前，不應參與相關漁業活動。委員會所將通過之議事規則應進一步規範本項之履行。

第十四條

港口國義務

1. 締約方依國際法有權利與義務採取措施，以促進次區域、區域及全球性養護與管理措施之有效性。
2. 各締約方應：
 - (a) 對在公約區域內已從事捕魚活動而進入及使用其港口之漁船，執行委員會所通過之港口國措施，除其他外，包括有關漁業資源之卸載和轉載、對漁船、文件、船上漁獲和漁具之檢查及港口服務之使用；及
 - (b) 當一漁船自願在其港口，且該漁船船旗國為確保遵守本公約條款和委員會所通過養護與管理措施而要求締約方提供協助時，在合理可行及符合其國內法與國際法下，提供船旗國協助。
3. 當締約方認為使用其港口之漁船已違反本公約之乙項條款或委員會通過之乙項養護與管理措施時，應通知相關船旗國、委員會與其他相關國家及適當之國際組織。締約方應將該事件之完整文件記載，包括任何檢查之紀錄，提供予船旗國及酌情提供予委員會。
4. 本條不應被解釋為將影響締約方依據國際法在其領土內對港口行使其主權，包括拒絕船舶進入其領土內港口，以及採行較委員會依本公約所通過更嚴格之港口國措施的權利。

第十五條

捕魚實體之義務

第十三條和第十四條第二項及第三項準用於依據附件已表達其堅定承諾之任何捕魚實體。

第十六條

數據蒐集、彙整與交換

1. 委員會應充分考量「1995年協定」附件一和第十條及第十一條之相關條款，除其他外，為下列事項發展標準、規則與程序：
 - (a) 委員會會員就所有相關數據之蒐集、核實與及時提報委員會；
 - (b) 為確保最佳科學意見提供具可用性，委員會對正確且完整數據之彙整和管理，以促進有效之魚群評估；
 - (c) 委員會會員間、與其他區域漁業管理組織和安排間，及與其他相關組織間之數據交換，包括有關從事 IUU 捕魚之漁船及酌情關於該等漁船受益所有權之數據，旨在將該等資訊以統一格式加以整併，以酌情予以散播；
 - (d) 促進與區域漁業管理組織和安排相協調之文件登載與數據分享，包括船舶登記，以及在可適用處之市場相關措施的數據交換程序；及
 - (e) 定期審核委員會會員對數據蒐集與交換要求之遵守，及為處理該審核所辨識出之任何不遵守情形。
2. 委員會應確保關於在公約區域內作業之漁船數目、本公約管理下漁業資源之狀況、漁業資源評估、公約區域內之研究方案，及與區域和全球組織之合作倡議等數據係公開可得。
3. 委員會應訂定委員會各會員所提年度報告之格式。委員會各會員應不遲延地依該格式向委員會提交其年度報告。該年度報告應包括該

委員會會員已如何履行委員會所通過之養護與管理措施及監視、控管、偵察與執法程序的說明，包括其就第十七條所採取任何行動之結果，及就委員會得決定之任何新增主題的資訊。

4. 委員會應訂定規則，以確保包括經由即時衛星定位發報器所通報數據在內之數據的安全、取用與散播，並於適當之處維持保密及妥適考量委員會諸會員之國內實踐。

第十七條

遵約與執法

1. 委員會各會員應執行本公約諸條款及委員會之任何相關決定。
2. 委員會各會員應主動或在委員會任何其他會員要求下，及當被提供相關資訊時，充分調查有權懸掛其旗幟之漁船違反本公約任何條款或委員會所通過之任何養護與管理措施的任何指控。
3. 關於一艘有權懸掛其旗幟之漁船涉嫌違反本公約條款或依本公約所通過措施之充分資訊已可得時：
 - (a) 該委員會會員應被迅速通知所涉之違反行為；及
 - (b) 該委員會會員應依其法律和規章採取適當行動，包括不延遲地提起訴訟，及在適當時扣押相關船舶。
4. 依委員會一會員之法律已確定一有權懸掛其旗幟之漁船涉及嚴重違反本公約條款或委員會所通過任何養護與管理措施時，該委員會會員應命令該漁船停止作業，並在適當情況下，命令該漁船立即離開公約區域。該委員會會員應確保相關船舶不在公約區域內對漁業資源從事捕魚活動，直至該會員對上述違反行為所作一切待執行之處分皆執行完畢為止。

5. 為本條之目的，嚴重違反應包括「1995 年協定」第二十一條第十一項第 a 款至第 h 款所述之任一違反事項，及委員會得決定之其他違反事項。
6. 倘於本公約生效後三年內，委員會無法就公約區域內漁船之登臨與檢查程序達成協議，則「1995 年協定」第二十一條與第二十二條應如同本公約一部分予以適用。公約區域內漁船之登臨與檢查及任何後續執法行動，應依該二條所規定之程序及由委員會所決定之任何其他可行程序進行。
7. 在不損及船旗國責任優先下，委員會各會員依其法律應：
 - (a) 在最大可能範圍內採取措施並合作，以確保其國民和其國民所擁有、操作或控制之漁船遵守本公約條款及委員會所通過之任何養護與管理措施；及
 - (b) 主動或在委員會任何其他會員要求及被提供相關資訊時，就其國民或其國民所擁有、操作或控制之漁船違反本公約條款，或委員會所通過任何養護與管理措施之指控，迅速進行調查。
8. 所有調查和司法程序應迅速完成。委員會會員相關法律與規章中所規定之處分在嚴厲程度上應適當，以有效確保遵約及遏止犯行在任何地方之發生，並應剝奪違犯者自其非法活動中所獲取之利益。
9. 任何依第二項、第三項、第四項或第七項所進行調查之進展報告，包括對涉嫌犯行所採或擬採任何行動之細節，應提供予作出要求之委員會會員，以及在可能情形下儘快提供予委員會，無論如何，均在要求提出後二個月內為之。當調查終結時，調查結果報告應提供予提出要求之委員會會員及委員會。
10. 本條諸款不妨害：
 - (a) 委員會任何會員依據其漁業相關法律與規章之權利；及

(b)任何締約方在與本公約、「1982年公約」或「1995年協定」條款不相抵觸之相關雙邊或多邊協定內有關遵約和執法條款的權利。

第十八條

透明

委員會應促進其決策過程和其他活動之透明。關切本公約履行相關事項之政府間組織和非政府間組織代表，應被給予機會以觀察員，或以委員會會員認為適當且依委員會所應通過議事規則規定之其他地位，參與委員會及其附屬機構之會議。在此方面，程序不應過度限制。取決於委員會得通過之規則與程序，政府間組織和非政府間組織應可及時取得相關資訊。除委員會另有決定外，委員會或附屬機構決定之任何養護、管理及其他措施或事項均應公開可得。

第十九條

爭端解決

「1995年協定」第八部分所列有關爭端解決之條款應準用於締約方間之任何爭端，不論其是否亦為「1995年協定」之締約方。

第二十條

與非締約方之合作

1. 委員會諸會員應交換有權懸掛非本公約締約方旗幟之漁船在公約區域內活動的資訊。
2. 委員會應提醒任何非本公約締約方，注意其國民或有權懸掛其旗幟之漁船所進行就委員會觀點已影響本公約目標達成之活動。
3. 委員會應要求第二項所認定之非締約方藉由成為一締約方或藉由同意適用委員會通過之養護與管理措施，與委員會充分合作。取決於

委員會得訂定之該等條件，此一本公約合作非締約方得享有參與漁業之利益，除其他外，與其遵守相關漁業資源養護與管理措施之承諾及其遵守紀錄，以及其提供委員會之任何財務貢獻相稱。

4. 委員會各會員應採取符合本公約、「1982年公約」、「1995年協定」及其他相關國際法之措施，以嚇阻有權懸掛非本公約締約方旗幟之漁船從事減損委員會所通過養護與管理措施有效性之活動。
5. 委員會各會員應依其法律採取適當措施，旨在預防有權懸掛其旗幟之漁船為避免遵守本公約條款之目的，轉移登記至非本公約締約方。

第二十一條

與其他組織或安排之合作

1. 委員會應酌情與聯合國糧農組織、與聯合國其他專門機構及與相關區域組織或安排，特別是與靠近或鄰接公約區域之海域內漁業有責任之區域漁業管理組織或安排，就互利事項進行合作。
2. 委員會應考量在鄰接公約區域之水域內，或對本公約未涵蓋之漁業資源、與目標魚群屬同一生態系或與其相依或相關之物種具有權限，且其目標符合並支持本公約目標之區域漁業管理組織與安排，及其他相關政府間組織所通過之養護與管理措施或建議。
3. 委員會應尋求與能對其工作有貢獻，且對確保生物資源及其生態系之長期養護與永續利用具有權限之政府間組織，發展合作之工作關係，並得為此目的與其達成協議。委員會得邀請該等組織派觀察員參加其或其任何附屬機構之會議。委員會亦得酌情尋求參與此等組織之會議。
4. 委員會應尋求與其他區域漁業管理組織或安排達成諮詢、合作及協力之合適安排，以在最大可能程度上利用現存機構達到本公約之目標。就此而言，委員會應尋求與在公約區域內執行執法活動之組織與安排就該等活動建立合作關係。

第二十二條

審查

1. 為達成本公約之目的，委員會應對其所通過養護與管理措施之有效性及遵守情況籌組定期審查。此等審查得包括檢視公約本身條款之有效性。
2. 委員會應決定此等審查之設置要點和方法，此等審查應：
 - (a) 考量其他區域漁業管理組織進行績效審查之實踐；
 - (b) 酌情納入附屬機構之意見；及
 - (c) 納入獨立於委員會會員以外且具被認可能力之一位或多位人士的參與。
3. 委員會應考量任何該等審查所產生之建議並酌情採取行動，包括適當地修正養護與管理措施及該等措施之履行機制。該等審查所提出本公約條款修正提案應依第二十九條處理。
4. 任何該等審查之結果及委員會後續之評估應於送交委員會後儘速公開可得。

第二十三條

簽署、批准、接受與贊同

1. 本公約應於2012年4月1日在首爾開放予曾參與北太平洋公海漁業管理多邊會議之國家簽署，並應持續開放簽署十二個月。
2. 本公約應經簽署方批准、接受或贊同。批准、接受或贊同文書應存放於大韓民國政府，該政府應為保管機關。保管機關應知會所有簽署方及所有締約方已存放之所有批准、接受或贊同文書，並行使1969年「維也納條約法公約」與習慣國際法所規定之其他功能。

第二十四條

加入

1. 本公約應開放予第二十三條第一項所指之國家加入。
2. 在本公約生效後，締約方經共識得邀請下列各方加入本公約：
 - (a) 其漁船欲就公約區域內漁業資源進行捕魚活動之其他國家或區域經濟整合組織；及
 - (b) 公約區域之其他沿海國。
3. 任何未參與關於第二項共識之締約方應以書面向委員會提出其未如此作為之理由。
4. 加入文書應存放於保管機關。保管機關應將所有加入知會所有簽署方及所有締約方。

第二十五條

生效

1. 本公約應於保管機關收到第四份批准、接受、贊同或加入文書之日後第一百八十天起生效。
2. 對在本公約生效要件已滿足，但在生效日期之前已存放批准、接受、贊同或加入文書之締約方，其批准、接受、贊同或加入應在本公約生效之日或在該文書存放之日三十天後生效，以日期晚者為準。
3. 對在本公約生效之日後始存放批准、接受、贊同或加入文書之締約方，本公約應在該文書存放之日三十天後對其生效。

第二十六條

保留與例外

不得對本公約作出保留或例外。

第二十七條

宣言與聲明

第二十六條不排除一國家或區域經濟整合組織於簽署、批准、接受、贊同或加入本公約時，除其他外，為使其法律及規章與本公約條款調合而作出之任何措辭或名稱的宣言或聲明，但此類宣言或聲明不得排除或修改本公約條款適用於該國或該區域經濟整合組織之法律效力。

第二十八條

與其他協定之關係

1. 本公約不應改變締約方根據與本公約相容之其他協定而產生的權利與義務，且該等權利與義務不影響其他締約方在本公約下享有其權利或履行其義務。
2. 本公約不應妨害締約方在「1982年公約」或「1995年協定」下之權利、管轄權與義務。本公約應參照「1982年公約」和「1995年協定」之內容，並以符合「1982年公約」和「1995年協定」之方式予以解釋及適用。

第二十九條

修正

1. 任何修正本公約之提案，應在討論提案之會議召開前至少九十天書面送交委員會主席，委員會主席應迅速將該提案送交委員會所有會員。除多數委員會會員要求召開特別會議討論該修正提案外，本公約修正提案應在委員會例會中予以討論。特別會議得在不少於九十天之通知下召開。
2. 委員會對本公約之修正提案應由締約方以共識決通過。任何依此程序所通過之修正案應由保管機關送交所有締約方。

3. 修正案應在保管機關所作其收到所有締約方書面贊同通知之通知上所載送交日期一百二十天後對所有締約方生效。
4. 在修正案依第二項通過後始成為本公約締約方之任一國家或區域經濟整合組織，應視為已贊同該修正案。

第三十條

附件

除另有明文規定外，附件應構成本公約不可分割的一部分，指稱本公約即包括指稱該附件。

第三十一條

退出

1. 任一締約方得於任一年6月30日或之前通知保管機關而於同年12月31日退出本公約，保管機關應將該通知之副本傳送予其他締約方。
2. 任何其他締約方得在收到依據第一項所給予之退出通知副本後一個月內，向保管機關送交通知，而於同年12月31日退出本公約。

為此，下列經其各自政府適當授權之簽署人，爰簽署本公約，以昭信守。
2012年2月24日以英文及法文訂於東京，每一文本同一作準。

附件

捕魚實體

1. 在本公約生效後，其船舶已在捕撈或意圖捕撈漁業資源之任何捕魚實體，得向保管機關遞送書面文書，表達其堅定承諾遵守本公約條件，及遵守依據本公約所通過之養護與管理措施。該等承諾應於保管機關收到該文書之日後第三十天起生效。任何該等捕魚實體得於任一年之6月30日或之前以書面通知保管機關而於同年12月31日撤回該承諾。
2. 第一項所指之任何捕魚實體得，藉由乙份遞送給保管機關之書面文書，表達其遵守得依第二十九條第三項所修正之本公約條件的堅定承諾。此承諾應自第二十九條第三項所指之日期或本項所指書面通知收到之日期起生效，以日期晚者為準。
3. 一個捕魚實體已依第一項表達其堅定承諾遵守本公約條件及遵守依本公約通過之養護及管理措施，必須遵守委員會會員之義務，並得依本公約條款參與包括決策在內之委員會工作。為本公約之目的，提到委員會或委員會會員包括該等捕魚實體。
4. 倘一爭端涉及一已表示其依本附件承諾願受本公約條件拘束之捕魚實體，且該爭端無法以友好方式解決，該爭端應在爭端任一方要求下，根據常設仲裁法院之相關規則提請最終且具拘束力之仲裁。
5. 本附件有關捕魚實體參與之規定僅為本公約之目的。

CONVENTION ON THE CONSERVATION AND MANAGEMENT OF HIGH SEAS FISHERIES RESOURCES IN THE NORTH PACIFIC OCEAN

The CONTRACTING PARTIES,

Committed to ensuring the long-term conservation and sustainable use of fisheries resources in the North Pacific Ocean and in so doing safeguarding the marine ecosystems in which these resources occur;

Recalling relevant international law as reflected in the *United Nations Convention on the Law of the Sea* of 10 December 1982, the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* of 4 December 1995 and the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas* of 24 November 1993 and taking into account the *Code of Conduct for Responsible Fisheries* adopted by the Conference of the Food and Agriculture Organization of the United Nations ("FAO") at its 28th session on 31 October 1995 as well as the *International Guidelines for the Management of Deep-Sea Fisheries in the High Seas* adopted by FAO on 29 August 2008;

Noting the call from the United Nations General Assembly in its resolutions 61/105 and 64/72 to take steps to protect vulnerable marine ecosystems and associated species from significant adverse impacts of destructive fishing practices and its resolution 60/31 encouraging States, as appropriate, to recognize that the general principles of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* of 4 December 1995 should also apply to discrete fish stocks in the high seas;

Recognizing the necessity to collect scientific data in order to understand the marine biodiversity and ecology in the region and to assess the impacts of fisheries on marine species and vulnerable marine ecosystems;

Conscious of the need to avoid adverse impacts on the marine environment, to preserve biodiversity, to maintain the integrity of marine ecosystems, and to minimize the risk of long-term or irreversible effects of fishing operations;

Concerned about possible adverse impacts of unregulated bottom fishing activities on marine species and vulnerable marine ecosystems on the high seas of the North Pacific Ocean;

Further committed to conducting responsible fishing activities and to cooperating effectively to prevent, deter and eliminate illegal, unreported and unregulated fishing

("IUU fishing") activities and the adverse impacts that they have on the state of the world's fisheries resources and the ecosystems in which they occur;

HAVE AGREED as follows:

*Article 1
Use of Terms*

For the purposes of this Convention:

- (a) "1982 Convention" means the *United Nations Convention on the Law of the Sea* of 10 December 1982;
- (b) "1995 Agreement" means the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* of 4 December 1995;
- (c) "Bottom fishing" means fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations;
- (d) "Consensus" means the absence of any formal objection made at the time the decision is taken;
- (e) "Contracting Party" means any State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;
- (f) "Convention Area" means the area to which this Convention applies, as prescribed in Article 4, paragraph 1;
- (g) "FAO International Guidelines" means the *International Guidelines for the Management of Deep-Sea Fisheries in the High Seas* adopted by FAO on 29 August 2008, as may be modified from time to time;
- (h) "Fisheries resources" means all fish, mollusks, crustaceans and other marine species caught by fishing vessels within the Convention Area, excluding:
 - (i) sedentary species insofar as they are subject to the sovereign rights of coastal States consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of this Convention;
 - (ii) catadromous species;

- (iii) marine mammals, marine reptiles and seabirds; and
 - (iv) other marine species already covered by pre-existing international fisheries management instruments within the area of competence of such instruments;
- (i) "Fishing activities" means:
- (i) the actual or attempted searching for, catching, taking or harvesting of fisheries resources;
 - (ii) engaging in any activity that can reasonably be expected to result in locating, catching, taking or harvesting of these resources for any purpose;
 - (iii) the processing of these resources at sea and the transshipping of these resources at sea or in port; and
 - (iv) any operation at sea in direct support of, or in preparation for, any activity described in subparagraphs (i) to (iii) above, except for any operation related to emergencies involving the health and safety of crew members or the safety of fishing vessels;
- (j) "Fishing vessel" means any vessel used or intended for use for the purpose of engaging in fishing activities, including fish processing vessels, support ships, carrier vessels and any other vessel directly engaged in such fishing activities;
- (k) "IUU fishing" refers to the activities as set out in paragraph 3 of the 2001 FAO *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, and other activities as may be decided by the Commission;
- (l) "Precautionary approach" means the precautionary approach as specified in Article 6 of the 1995 Agreement;
- (m) "Regional economic integration organization" means a regional economic integration organization to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters; and
- (n) "Transshipment" means the unloading of any fisheries resources or products of fisheries resources taken in the Convention Area from one fishing vessel to another fishing vessel either at sea or in port.

Article 2
Objective

The objective of this Convention is to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur.

Article 3
General Principles

In giving effect to the objective of this Convention, the following actions shall be taken individually or collectively as appropriate:

- (a) promoting the optimum utilization and ensuring the long-term sustainability of fisheries resources;
- (b) adopting measures, based on the best scientific information available, to ensure that fisheries resources are maintained at or restored to levels capable of producing maximum sustainable yield, taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;
- (c) adopting and implementing measures in accordance with the precautionary approach and an ecosystem approach to fisheries, and in accordance with the relevant rules of international law, in particular as reflected in the 1982 Convention, the 1995 Agreement and other relevant international instruments;
- (d) assessing the impacts of fishing activities on species belonging to the same ecosystem or dependent upon or associated with the target stocks and adopting, where necessary, conservation and management measures for such species with a view to maintaining or restoring the populations of such species above levels at which their reproduction may become seriously threatened;
- (e) protecting biodiversity in the marine environment, including by preventing significant adverse impacts on vulnerable marine ecosystems, taking into account any relevant international standards or guidelines including the FAO International Guidelines;
- (f) preventing or eliminating overfishing and excess fishing capacity, and ensuring that levels of fishing effort or harvest levels are based on the best scientific information available and do not exceed those commensurate with the sustainable use of the fisheries resources;
- (g) ensuring that complete and accurate data concerning fishing activities, including with respect to all target and non-target species within the Convention Area, are collected and shared in a timely and appropriate manner;
- (h) ensuring that any expansion of fishing effort, development of new or exploratory fisheries, or change in the gear used for existing fisheries, does not proceed

without prior assessment of the impacts of those fishing activities on the long-term sustainability of fisheries resources and a determination that those activities would not have significant adverse impacts on vulnerable marine ecosystems, or ensuring that those activities are managed to prevent those impacts or are not authorized to proceed;

- (i) ensuring, in accordance with Article 7 of the 1995 Agreement, that conservation and management measures established for straddling fish stocks on the high seas and those adopted for areas under national jurisdiction are compatible in order to ensure conservation and management of these fisheries resources in their entirety;
- (j) ensuring compliance with conservation and management measures and that sanctions applicable in respect of violations are adequate in severity to be effective in securing compliance, to discourage violations wherever they occur and to deprive offenders of the benefits accruing from their illegal activities;
- (k) minimizing pollution and waste originating from fishing vessels, discards, catch by lost or abandoned gear, and impacts on other species and marine ecosystems through measures including, to the extent practicable, the development and use of selective, environmentally safe, and cost-effective fishing gear and techniques; and
- (l) applying this Convention in a fair, transparent and non-discriminatory manner, consistent with international law.

Article 4
Area of Application

1. This Convention applies to the waters of the high seas area of the North Pacific Ocean, excluding the high seas areas of the Bering Sea and other high seas areas that are surrounded by the exclusive economic zone of a single State. The area of application is bounded to the south by a continuous line beginning at the seaward limit of waters under the jurisdiction of the United States of America around the Commonwealth of the Northern Mariana Islands at twenty (20) degrees North latitude, then proceeding East and connecting the following coordinates:
 - 20°00'00"N, 180°00'00"E/W;
 - 10°00'00"N, 180°00'00"E/W;
 - 10°00'00"N, 140°00'00"W;
 - 20°00'00"N, 140°00'00"W; and
 - Thence East to the seaward limit of waters under the fisheries jurisdiction of Mexico.
2. Nothing in this Convention, nor any act or activity carried out in pursuance of this Convention, shall constitute recognition of the claims or positions of any Contracting Party concerning the legal status and extent of waters and zones claimed by any such

Contracting Party.

Article 5
Establishment of the Commission

1. The North Pacific Fisheries Commission ("Commission") is hereby established. The Commission shall function in accordance with the provisions of this Convention. Each Contracting Party shall be a member of the Commission.
2. A fishing entity referred to in the Convention may participate in the work of the Commission in accordance with the Annex. The participation of a fishing entity in the work of the Commission shall not constitute a deviation from accepted application of international law, including the 1982 Convention.
3. The Commission shall hold a regular meeting at least once every two years at a time and location to be decided by the Commission and may hold such other meetings as may be necessary to carry out its functions under this Convention.
4. Any member of the Commission may request a meeting of the Commission, which shall be convened with the consent of a majority of the members of the Commission. The Chairperson shall then convene such a meeting in a timely fashion at such time and place as the Chairperson may determine in consultation with the members of the Commission.
5. The Commission shall elect a Chairperson and a vice-Chairperson from among the representatives of Contracting Parties, who shall each be from a different Contracting Party. They shall be elected for a period of two years and shall be eligible for reelection, but shall not serve for more than four years in succession in the same capacity. The Chairperson and the vice-Chairperson shall remain in office until the election of their successors.
6. The Commission shall apply the principle of cost-effectiveness to the frequency, duration and scheduling of meetings of the Commission and its subsidiary bodies.
7. The Commission shall have international legal personality and such legal capacity as may be necessary to perform its functions and achieve its objectives. The privileges and immunities that the Commission and its officers shall enjoy in the territory of a Contracting Party shall be determined by agreement between the Commission and the Contracting Party concerned.
8. All meetings of the Commission and subsidiary bodies shall be open to participation by accredited observers in accordance with Rules of Procedure that the Commission shall adopt. Related documents shall be made publicly available in accordance with such Rules of Procedure.
9. The Commission may establish a permanent Secretariat consisting of an Executive

Secretary and other such staff as the Commission may require and/or enter into contractual arrangements with the Secretariat of an existing organization for the provision of services. Any Executive Secretary shall be appointed with the approval of the Contracting Parties.

Article 6
Subsidiary Bodies

1. A Scientific Committee and a Technical and Compliance Committee are hereby established. The Commission may establish by consensus any other subsidiary bodies from time to time to assist in meeting the objective of this Convention.
2. Each subsidiary body shall, after each meeting, provide a report on its work to the Commission that includes, where appropriate, advice and recommendations to the Commission.
3. Subsidiary bodies may establish working groups and may seek external advice in accordance with any guidance provided by the Commission.
4. Subsidiary bodies shall be responsible to the Commission and shall operate under the Rules of Procedure of the Commission, unless the Commission decides otherwise.

Article 7
Functions of the Commission

1. The Commission shall, in accordance with the principles set out in Article 3 and based on the best scientific information available and the advice of the Scientific Committee:
 - (a) adopt conservation and management measures to ensure the long-term sustainability of the fisheries resources within the Convention Area, including the total allowable catch or total allowable level of fishing effort for those fisheries resources as the Commission may decide;
 - (b) ensure that levels of total allowable catch or total allowable level of fishing effort are in accordance with the advice and recommendations of the Scientific Committee;
 - (c) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or dependent upon or associated with the target stocks;
 - (d) adopt, where necessary, management strategies for any fisheries resources and for species belonging to the same ecosystem or dependent upon or associated with the target stocks, as may be necessary to achieve the objective of this Convention;

- (e) adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems in the Convention Area, including but not limited to:
 - (i) measures for conducting and reviewing impact assessments to determine if fishing activities would produce such impacts on such ecosystems in a given area;
 - (ii) measures to address unexpected encounters with vulnerable marine ecosystems in the course of normal bottom fishing activities; and
 - (iii) as appropriate, measures that specify locations in which fishing activities shall not occur;
 - (f) determine the nature and extent of participation in existing fisheries, including through the allocation of fishing opportunities;
 - (g) establish by consensus the terms and conditions for any new fisheries in the Convention Area and the nature and extent of participation in such fisheries, including through the allocation of fishing opportunities; and
 - (h) agree on means by which the fishing interests of new Contracting Parties may be accommodated in a manner consistent with the need to ensure the long-term sustainability of the fisheries resources covered by this Convention.
2. The Commission shall adopt measures to ensure effective monitoring, control and surveillance, as well as compliance with and enforcement of the provisions of this Convention and measures adopted pursuant to this Convention. To this end, the Commission shall:
- (a) establish procedures for the regulation and monitoring of transshipment of fisheries resources and products of fisheries resources taken in the Convention Area, including notification to the Commission of the location and quantity of any transshipment;
 - (b) develop and implement a North Pacific Ocean Fisheries Observer Program ("Observer Program"), taking into account relevant international standards and guidelines;
 - (c) establish procedures for the boarding and inspection of fishing vessels in the Convention Area;
 - (d) establish appropriate cooperative mechanisms for effective monitoring, control and surveillance to ensure enforcement of the conservation and management measures adopted by the Commission including mechanisms to prevent, deter and eliminate IUU fishing;

- (e) develop standards, specifications and procedures for members of the Commission to report movements and activities using real-time satellite position-fixing transmitters for vessels engaged in fishing activities in the Convention Area and, in accordance with those procedures, coordinate timely dissemination of data collected from members' satellite vessel monitoring systems;
 - (f) establish procedures by which entry into and exit from the Convention Area of fishing vessels catching or planning to catch fisheries resources in the Convention Area are notified to the Commission in a timely manner;
 - (g) establish, where appropriate, non-discriminatory market-related measures consistent with international law to prevent, deter and eliminate IUU fishing; and
 - (h) establish procedures for reviewing compliance with the provisions of this Convention and measures adopted pursuant to this Convention.
3. The Commission shall:
- (a) adopt and/or amend as necessary, by consensus, the rules for the conduct of its meetings and for the exercise of its functions, including Rules of Procedure, Financial Regulations and other regulations;
 - (b) adopt a plan of work and terms of reference for the Scientific Committee, for the Technical and Compliance Committee and, as necessary, for other subsidiary bodies;
 - (c) refer to the Scientific Committee any question pertaining to the scientific basis for the decisions the Commission may need to take concerning conserving and managing fisheries resources and species belonging to the same ecosystem or dependent upon or associated with the target stocks and assessing and addressing the impacts of fishing activities on vulnerable marine ecosystems;
 - (d) establish the terms and conditions for any experimental, scientific, and exploratory fishing activities in the Convention Area and determine the scope of any cooperative scientific research on fisheries resources, vulnerable marine ecosystems, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
 - (e) adopt and amend from time to time a list of indicator species for vulnerable marine ecosystems for which directed fishing shall be prohibited;
 - (f) direct the external relations of the Commission; and
 - (g) perform such other functions and carry out such other activities as may be necessary to promote the objective of this Convention.

Article 8
Decision-Making

1. As a general rule, the Commission shall make its decisions by consensus.
2. Except where this Convention expressly provides that a decision shall be taken by consensus, if the Chairperson considers that all efforts to reach consensus have been exhausted:
 - (a) decisions of the Commission on questions of procedure shall be taken by a majority of members of the Commission casting affirmative or negative votes; and
 - (b) decisions on questions of substance shall be taken by a three-quarters majority of members of the Commission casting affirmative or negative votes.
3. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance.
4. No decisions shall be taken unless there is a quorum of two-thirds of the members of the Commission present at the time the decision is to be taken.

Article 9
Implementation of Commission Decisions

1. Binding decisions by the Commission shall take effect in the following manner:
 - (a) the Chairperson of the Commission shall notify promptly in writing all members of the Commission of such a decision following its adoption by the Commission;
 - (b) the decision shall become binding upon all members of the Commission ninety (90) days after the date of transmittal specified in the Chairperson's notification of the adoption of the decision by the Commission, pursuant to subparagraph (a) above, unless otherwise specified in the decision;
 - (c) a member of the Commission may object to a decision solely on the grounds that the decision is inconsistent with the provisions of this Convention, the 1982 Convention or the 1995 Agreement, or that the decision unjustifiably discriminates in form or in fact against the objecting member;
 - (d) if a member of the Commission presents an objection, it shall so notify the Chairperson of the Commission in writing at least two weeks in advance of the date that the decision becomes binding in accordance with subparagraph (b) above; in this case, the decision shall not, to the extent stated, be binding upon that member; however, the decision shall remain binding on all other members

unless the Commission decides otherwise;

- (e) any member of the Commission that makes a notification under subparagraph (d) above shall specify whether the decision is inconsistent with the provisions of this Convention, the 1982 Convention or the 1995 Agreement, or unjustifiably discriminates in form or in fact against that member and, at the same time, provide a written explanation of the grounds for its position. The member must also adopt and implement alternative measures that are equivalent in effect to the decision to which it has objected and that have the same date of application;
- (f) the Chairperson shall promptly circulate to all members of the Commission details of any notification and explanation received in accordance with subparagraphs (d) and (e) above;
- (g) in the event that any member of the Commission invokes the procedure set out in subparagraphs (d) and (e) above, a Commission meeting shall take place at the request of any other member to review the decision to which the objection has been presented. The Commission shall, at its expense, invite to that meeting two or more experts who are nationals of non-members of the Commission and who have sufficient knowledge of international law related to fisheries and of the operation of regional fisheries management organizations to provide advice to the Commission on the matter in question. The selection and activities of these experts shall be in accordance with procedures to be adopted by the Commission;
- (h) the Commission meeting shall consider whether the grounds specified for the objection presented by the member of the Commission are justified and whether the alternative measures adopted are equivalent in effect to the decision to which the objection has been presented;
- (i) if the Commission finds that the decision to which objection has been presented does not discriminate in form or fact against the objecting member of the Commission and is not inconsistent with this Convention, the 1982 Convention or the 1995 Agreement, but that the alternative measures are equivalent in effect to the decision by the Commission and should be accepted as such by the Commission, the alternative measures shall be binding on the objecting member in substitution for the decision to which the objection has been presented; and
- (j) if the Commission finds that the decision to which objection has been presented does not discriminate in form or in fact against the objecting member and is not inconsistent with this Convention, the 1982 Convention or the 1995 Agreement, but that the alternative measures are not equivalent in effect to the decision to which it has objected, the objecting member may:
 - (i) present different alternative measures to be considered by the Commission;

- (ii) within forty-five (45) days implement the original decision to which it had presented an objection; or
 - (iii) institute dispute settlement proceedings pursuant to Article 19 or paragraph 4 of the Annex.
2. Any member of the Commission that invokes the right of objection set out in paragraph 1 may at any time withdraw its notification of objection and become bound by the decision immediately if it is already in effect or at such time as it may come into effect under this Article.

Article 10
Scientific Committee

1. The Scientific Committee shall provide scientific advice and recommendations in accordance with the terms of reference for the Committee to be adopted at the first regular meeting of the Commission and as may be amended from time to time.
2. The Scientific Committee shall meet, unless the Commission otherwise decides, at least once every two years, and prior to the regular meeting of the Commission.
3. The Scientific Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the members on all or any part of the report.
4. The functions of the Scientific Committee shall be to:
 - (a) recommend to the Commission a research plan, including specific issues and items to be addressed by the scientific experts or by other organizations or individuals, as appropriate, and identify data needs and coordinate activities that meet those needs;
 - (b) regularly plan, conduct and review the scientific assessments of the status of fisheries resources in the Convention Area, identify actions required for their conservation and management, and provide advice and recommendations to the Commission;
 - (c) collect, analyze and disseminate relevant information;
 - (d) assess the impacts of fishing activities on fisheries resources and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
 - (e) develop a process to identify vulnerable marine ecosystems, including relevant criteria for doing so, and identify, based on the best scientific information

available, areas or features where these ecosystems are known to occur, or are likely to occur, and the location of bottom fisheries in relation to these areas or features, taking due account of the need to protect confidential information;

- (f) identify and advise the Commission on additional indicator species for vulnerable marine ecosystems for which directed fishing shall be prohibited;
 - (g) establish science-based standards and criteria to determine if bottom fishing activities are likely to produce significant adverse impacts on vulnerable marine ecosystems or marine species in a given area based on international standards such as the FAO International Guidelines and make recommendation for measures to avoid such impacts;
 - (h) review any assessments, determinations and management measures and make any necessary recommendation in order to attain the objective of this Convention;
 - (i) develop rules and standards, for adoption by the Commission, for the collection, verification, reporting, and the security of, exchange of, access to and dissemination of data on fisheries resources, species belonging to the same ecosystem, or dependent upon or associated with the target stocks and fishing activities in the Convention Area;
 - (j) to the extent practicable, provide analysis to the Commission of alternative conservation and management measures that estimates the extent to which each alternative would achieve the objectives of any management strategy adopted or under consideration by the Commission; and
 - (k) provide such other scientific advice to the Commission as it considers appropriate or as may be required by the Commission.
5. The Scientific Committee may exchange information on matters of mutual interest with other relevant scientific organizations or arrangements in accordance with the rules and standards adopted by the Commission pursuant to subparagraph 4(i) above and Article 21.
6. The Scientific Committee shall not duplicate the activities of other scientific organizations and arrangements that cover the Convention Area.

Article 11
Technical and Compliance Committee

1. The functions of the Technical and Compliance Committee shall be to:
- (a) monitor and review compliance with conservation and management measures adopted by the Commission and make recommendations to the Commission as may be necessary; and

- (b) review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make recommendations to the Commission as may be necessary.
2. The Commission shall decide when the Technical and Compliance Committee shall hold its initial meeting. Thereafter, the Technical and Compliance Committee shall meet, unless the Commission otherwise decides, at least once every two years, and prior to the regular meeting of the Commission.
 3. The Technical and Compliance Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the members on all or any part of the report.
 4. In carrying out its functions, the Technical and Compliance Committee shall:
 - (a) provide a forum for exchange of information concerning the means by which members of the Commission are implementing the conservation and management measures adopted by the Commission in the Convention Area and complementary measures in adjacent waters as appropriate;
 - (b) provide a forum for the exchange of information on enforcement, including enforcement efforts, strategies and plans;
 - (c) receive reports from each member of the Commission relating to measures that the member has taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant to this Convention;
 - (d) report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures;
 - (e) make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement;
 - (f) develop rules and procedures governing the use of data and other information for monitoring, control and surveillance purposes; and
 - (g) consider and/or investigate any other matters as may be referred to it by the Commission.
 5. The Technical and Compliance Committee shall exercise its functions in accordance with the procedures and guidelines as the Commission may adopt from time to time.

Article 12
Budget

1. Each member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of its subsidiary bodies.
2. At each regular meeting, the Commission shall, by consensus, adopt an annual budget for each of the next two years. The Executive Secretary shall transmit draft budgets for each of those years to the members together with a schedule of contributions not later than sixty (60) days before the regular meeting of the Commission at which those budgets are to be considered. In the event that the Commission cannot reach consensus on the adoption of an annual budget for any given year, the Commission budget for the previous year shall carry forward for that year.
3. The budget shall be divided among members of the Commission in accordance with a formula to be adopted, by consensus, by the Commission. A member of the Commission that has become a member during the course of a financial year shall contribute to the budget an amount proportional to the number of complete months remaining in the year calculated from the day it became a member.
4. The Executive Secretary shall notify each member of the Commission of the amount of its contribution. Contributions shall be paid not later than four months after the date of this notification, in the currency of the State in which the Secretariat of the Commission is located. A member of the Commission that cannot meet the deadline shall explain to the Commission the reason it is unable to do so.
5. A member of the Commission that has not paid its contributions in full for two consecutive years shall not be entitled to participate in the making of decisions by the Commission, nor may it present objections to any decisions taken by the Commission, until it has discharged its financial obligations to the Commission.
6. The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

Article 13
Flag State Duties

1. Each Contracting Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag:
 - (a) operating in the Convention Area comply with the provisions of this Convention and measures adopted pursuant to this Convention and that such vessels do not engage in any activities that undermine the effectiveness of such measures; and
 - (b) do not conduct unauthorized fishing activities within areas under the national jurisdiction of another State adjacent to the Convention Area.
2. No Contracting Party shall allow any fishing vessel entitled to fly its flag to be used

for fishing activities in the Convention Area unless it has been authorized to do so by the appropriate authority or authorities of that Contracting Party. Each Contracting Party shall authorize the use of vessels entitled to fly its flag for fishing activities in the Convention Area only where it is able to exercise effectively its responsibilities in respect of those vessels under this Convention, the 1982 Convention and the 1995 Agreement.

3. Each Contracting Party shall ensure that fishing activities by fishing vessels entitled to fly its flag undertaken in violation of the provisions of this Convention, as well as measures adopted pursuant to this Convention and the authorization in paragraph 2, constitute a violation under its legal framework.
4. Each Contracting Party shall require fishing vessels that are entitled to fly its flag and that are engaged in fishing activities in the Convention Area:
 - (a) to use real-time satellite position-fixing transmitters while in the Convention Area in accordance with procedures developed pursuant to Article 7, subparagraph 2(e);
 - (b) to notify the Commission of their intention to enter and exit the Convention Area in accordance with procedures developed pursuant to Article 7, subparagraph 2(f); and
 - (c) to notify the Commission of the location of any transshipment of fisheries resources and products of fisheries resources taken in the Convention Area, pending the adoption by the Commission of procedures for the regulation and monitoring of transshipments pursuant to Article 7, subparagraph 2(a).
5. Each Contracting Party shall prohibit vessels entitled to fly its flag from engaging in directed fishing on the following orders: Alcyonacea, Antipatharia, Gorgonacea, and Scleractinia, as well as any other indicator species for vulnerable marine ecosystems as may be identified from time to time by the Scientific Committee and adopted by the Commission.
6. Each Contracting Party shall place observers on board fishing vessels entitled to fly its flag operating in the Convention Area in accordance with the Observer Program which shall be established in accordance with Article 7, subparagraph 2(b). Fishing vessels engaged in bottom fishing in the Convention Area shall have one hundred (100) percent coverage under the Observer Program. Fishing vessels engaged in other types of fishing activities in the Convention Area shall have a level of observer coverage as the Commission may decide.
7. Each Contracting Party shall ensure that fishing vessels entitled to fly its flag accept boarding by duly authorized inspectors in accordance with procedures for the boarding and inspection of fishing vessels in the Convention Area adopted by the

Commission pursuant to Article 7, subparagraph 2(c). Duly authorized inspectors shall comply with these procedures.

8. For the purpose of the effective implementation of this Convention, each Contracting Party shall:

- (a) maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing activities in the Convention Area in accordance with the information requirements, rules, standards, and procedures adopted by the Commission;
- (b) provide annually to the Commission, in accordance with the procedures which shall be established by the Commission, information, as decided by the Commission, with respect to each fishing vessel entered in the record required to be maintained under this paragraph and shall promptly notify the Commission of any modifications to this information; and
- (c) provide to the Commission, as part of the annual report required pursuant to Article 16, the names of the fishing vessels entered in the record that conducted fishing activities during the previous calendar year.

9. Each Contracting Party shall also promptly inform the Commission of:

- (a) any additions to the record; and
- (b) any deletions from the record, specifying which of the following reasons is applicable:
 - (i) the voluntary relinquishment of the fishing authorization by the fishing vessel owner or operator;
 - (ii) the withdrawal or non-renewal of the fishing authorization issued in respect of the fishing vessel under paragraph 2;
 - (iii) the fact that the fishing vessel concerned is no longer entitled to fly its flag;
 - (iv) the scrapping, decommissioning or loss of the fishing vessel concerned; or
 - (v) any other grounds, with a specific explanation provided.

10. The Commission shall maintain its own record of fishing vessels, based on the information provided to it pursuant to paragraphs 8 and 9. The Commission shall make this record publicly available through agreed means, taking due account of the need to protect the confidentiality of personal information, consistent with the domestic practice of each Contracting Party. The Commission shall also provide to

any Contracting Party, upon request, information about any vessel entered on the Commission record that is not otherwise publicly available.

11. Any Contracting Party that does not submit the data and information required under Article 16, paragraph 3 in respect of any year in which fishing occurred in the Convention Area by fishing vessels entitled to fly its flag shall not participate in the relevant fisheries until that data and information have been provided. The Rules of Procedure to be adopted by the Commission shall further guide the implementation of this paragraph.

Article 14
Port State Duties

1. A Contracting Party has the right and duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
2. Each Contracting Party shall:
 - (a) give effect to port State measures adopted by the Commission in relation to the entry and use of its ports by fishing vessels that have engaged in fishing activities in the Convention Area including, *inter alia*, with respect to landing and transshipment of fisheries resources, inspection of fishing vessels, documents, catch and gear on board, and use of port services; and
 - (b) provide assistance to flag States, as reasonably practicable and in accordance with its national law and international law, when a fishing vessel is voluntarily in its ports and the flag State of the vessel requests the Contracting Party to provide assistance in ensuring compliance with the provisions of this Convention and with the conservation and management measures adopted by the Commission.
3. In the event that a Contracting Party considers that a fishing vessel making use of its ports has violated a provision of this Convention or a conservation and management measure adopted by the Commission, it shall notify the flag State concerned, the Commission and other relevant States and appropriate international organizations. The Contracting Party shall provide the flag State and, as appropriate, the Commission with full documentation on the matter, including any record of inspection.
4. Nothing in this Article shall be construed to affect the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry to ports in their territory as well as to adopt more stringent port State measures than those adopted by the Commission pursuant to this Convention.

Article 15

Duties of Fishing Entities

Article 13 and Article 14, paragraphs 2 and 3 apply *mutatis mutandis* to any fishing entity that has expressed its firm commitment in accordance with the Annex.

Article 16

Data Collection, Compilation and Exchange

1. The Commission shall, taking full account of Annex I of the 1995 Agreement as well as relevant provisions of Articles 10 and 11, develop standards, rules and procedures for, *inter alia*:
 - (a) the collection, verification and timely reporting to the Commission of all relevant data by members of the Commission;
 - (b) the compilation and management by the Commission of accurate and complete data to facilitate effective stock assessment for ensuring that the provision of the best scientific advice is enabled;
 - (c) the exchange of data among members of the Commission, and with other regional fisheries management organizations and arrangements, and other relevant organizations including data concerning vessels engaged in IUU fishing and, as appropriate, concerning the beneficial ownership of those vessels, with a view to consolidating that information into a centralized format for dissemination as appropriate;
 - (d) the facilitation of coordinated documentation and data-sharing between regional fisheries management organizations and arrangements, including procedures to exchange data on vessel registers, and market-related measures where applicable; and
 - (e) regular audits of Commission member compliance with data collection and exchange requirements, and for addressing any non-compliance identified in such audits.
2. The Commission shall ensure that data are publicly available concerning the number of fishing vessels operating in the Convention Area, the status of fisheries resources managed under this Convention, fisheries resources assessments, research programs in the Convention Area, and cooperative initiatives with regional and global organizations.
3. The Commission shall establish the format of an annual report to be submitted by each member of the Commission. Each member of the Commission shall submit without delay to the Commission its annual report in accordance with this format. The annual report shall include a description of how the member of the Commission has implemented the conservation and management measures and monitoring, control and surveillance and enforcement procedures adopted by the Commission, including the outcome of any actions the member has taken in respect of Article 17, as well as information on any additional topics as the Commission may decide.

4. The Commission shall establish rules to ensure the security of, access to and dissemination of data, including data reported via real-time satellite position-fixing transmitters, while maintaining confidentiality where appropriate and taking due account of the domestic practices of members of the Commission.

Article 17
Compliance and Enforcement

1. Each member of the Commission shall enforce the provisions of this Convention and any relevant decisions of the Commission.
2. Each member of the Commission shall, either on its own initiative or at the request of any other member of the Commission and when provided with the relevant information, investigate fully any allegation that fishing vessels entitled to fly its flag have violated any of the provisions of this Convention or any conservation and management measure adopted by the Commission.
3. Where sufficient information is available in respect of an alleged violation of the provisions of this Convention or of measures adopted pursuant to this Convention by a fishing vessel entitled to fly its flag:
 - (a) the member of the Commission shall be notified promptly of the alleged violation; and
 - (b) the member of the Commission shall take appropriate actions in accordance with its laws and regulations, including instituting proceedings without delay and, where appropriate, detain the vessel concerned.
4. Where it has been established, in accordance with the laws of a member of the Commission, that a fishing vessel entitled to fly the flag of that member has been involved in the commission of a serious violation of the provisions of this Convention or of any conservation and management measures adopted by the Commission, that member of the Commission shall order the fishing vessel to cease operations and, in appropriate cases, shall order the fishing vessel to leave the Convention Area immediately. The member of the Commission shall ensure that the vessel concerned does not engage in fishing activities in the Convention Area for fisheries resources until such time as all outstanding sanctions imposed by that member in respect of the violation have been complied with.
5. For the purposes of this Article, a serious violation shall include any of the violations specified in Article 21, subparagraphs 11 (a) to (h) of the 1995 Agreement and such other violations as may be determined by the Commission.
6. If, within three (3) years of the entry into force of this Convention, the Commission is not able to agree on procedures for boarding and inspection of fishing vessels in the

Convention Area, Articles 21 and 22 of the 1995 Agreement shall be applied as if they were part of this Convention. Boarding and inspection of fishing vessels in the Convention Area, as well as any subsequent enforcement action, shall be conducted in accordance with the procedures set out in those Articles and any such additional practical procedures decided by the Commission.

7. Without prejudice to the primacy of the responsibility of the flag State, each member of the Commission, in accordance with its laws, shall:
 - (a) to the greatest extent possible, take measures and cooperate to ensure compliance by its nationals, and fishing vessels owned, operated or controlled by its nationals, with the provisions of this Convention and any conservation and management measures adopted by the Commission; and
 - (b) either on its own initiative or at the request of any other member of the Commission and when provided with the relevant information, promptly investigate any alleged violation by its nationals, or fishing vessels owned, operated or controlled by its nationals, of the provisions of this Convention or any conservation and management measures adopted by the Commission.
8. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions provided for in the relevant laws and regulations of the members of the Commission shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur, and shall deprive offenders of the benefits accruing from their illegal activities.
9. A report on the progress of any investigation conducted pursuant to paragraphs 2, 3, 4 or 7, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member of the Commission making the request and to the Commission as soon as practicable and in any case within two months of the request. A report on the outcome of the investigation shall be provided to the member of the Commission making the request and to the Commission when the investigation is completed.
10. The provisions of this Article are without prejudice to:
 - (a) the rights of any of the members of the Commission in accordance with their laws and regulations relating to fisheries; and
 - (b) the rights of any of the Contracting Parties in relation to any provision relating to compliance and enforcement contained in any relevant bilateral or multilateral agreement not inconsistent with the provisions of this Convention, the 1982 Convention or the 1995 Agreement.

Article 18
Transparency

The Commission shall promote transparency in its decision-making processes and other activities. Representatives from intergovernmental organizations and non-governmental organizations concerned with matters relevant to the implementation of this Convention shall be afforded the opportunity to participate in the meetings of the Commission and its subsidiary bodies as observers or otherwise as members of the Commission deem appropriate and as provided for in the Rules of Procedure that the Commission shall adopt. The procedures shall not be unduly restrictive in this respect. The intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures that the Commission may adopt. Any conservation, management and other measures or matters that are decided by the Commission or subsidiary bodies shall be made publicly available unless otherwise decided by the Commission.

Article 19
Settlement of Disputes

The provisions relating to the settlement of disputes set out in Part VIII of the 1995 Agreement apply, *mutatis mutandis*, to any dispute between Contracting Parties, whether or not they are also Parties to the 1995 Agreement.

Article 20
Cooperation with Non-Contracting Parties

1. The members of the Commission shall exchange information on the activities of fishing vessels in the Convention Area entitled to fly the flags of non-Contracting Parties to this Convention.
2. The Commission shall draw the attention of any non-Contracting Party to this Convention to any activity undertaken by its nationals or fishing vessels entitled to fly its flag which, in the opinion of the Commission, affects the attainment of the objective of this Convention.
3. The Commission shall request the non-Contracting Party identified in paragraph 2 to cooperate fully with the Commission either by becoming a Contracting Party or by agreeing to apply the conservation and management measures adopted by the Commission. Subject to such terms and conditions as the Commission may establish, such a cooperating non-Contracting Party to this Convention may enjoy benefits from participation in the fisheries commensurate with, *inter alia*, its commitment to comply with and its record of compliance with conservation and management measures in respect of the relevant fisheries resources and any financial contribution it makes to the Commission.
4. Each member of the Commission shall take measures consistent with this Convention, the 1982 Convention, the 1995 Agreement and other relevant international law to deter the activities of fishing vessels entitled to fly the flags of non-Contracting

Parties to this Convention that undermine the effectiveness of conservation and management measures adopted by the Commission.

5. Each member of the Commission shall take appropriate measures, in accordance with its laws, aimed at preventing vessels entitled to fly its flag from transferring their registration to non-Contracting Parties to this Convention for the purpose of avoiding compliance with the provisions of this Convention.

Article 21

Cooperation with Other Organizations or Arrangements

1. The Commission shall cooperate, as appropriate, on matters of mutual interest with FAO, with other specialized agencies of the United Nations and with relevant regional organizations or arrangements, especially with those regional fisheries management organizations or arrangements with responsibility for fisheries in marine areas near or adjacent to the Convention Area.
2. The Commission shall take into account the conservation and management measures or recommendations adopted by regional fisheries management organizations and arrangements and other relevant intergovernmental organizations that have competence in relation to areas adjacent to the Convention Area or in respect of fisheries resources not covered by this Convention, species belonging to the same ecosystem or dependent upon or associated with the target stocks, and that have objectives that are consistent with and supportive of the objective of this Convention.
3. The Commission shall seek to develop cooperative working relationships and may enter into agreements for this purpose with intergovernmental organizations that can contribute to its work and have competence for ensuring the long-term conservation and sustainable use of living resources and their ecosystems. It may invite these organizations to send observers to its meetings or those of any of its subsidiary bodies. It may also seek to participate in meetings of these organizations as appropriate.
4. The Commission shall seek to make suitable arrangements for consultation, cooperation and collaboration with other regional fisheries management organizations or arrangements in order to utilize, to the maximum extent possible, existing institutions to achieve the objective of this Convention. In this regard, the Commission shall seek to establish cooperation on enforcement activities with those organizations and arrangements carrying out these activities in the Convention Area.

Article 22

Review

1. The Commission shall organize regular reviews of the effectiveness of its adopted conservation and management measures and compliance therewith in meeting the objective of this Convention. These reviews may include examination of the effectiveness of the provisions of the Convention itself.

2. The Commission shall determine the terms of reference and methodology of these reviews which shall:
 - (a) take into account the practice of other regional fisheries management organizations in conducting performance reviews;
 - (b) include contributions from the subsidiary bodies as appropriate; and
 - (c) include the participation of a person or persons of recognized competence who shall be independent of the members of the Commission.
3. The Commission shall take account of the recommendations arising from any such review and take actions, as appropriate, including the appropriate amendment of its conservation and management measures and the mechanisms for their implementation. Any proposals for amendment to the provisions of this Convention arising from any such review shall be dealt with in accordance with Article 29.
4. The results of any such review and subsequent assessment by the Commission shall be made publicly available as soon as possible following their submission to the Commission.

Article 23

Signature, Ratification, Acceptance and Approval

1. This Convention shall be open for signature at Seoul on 1 April 2012 by the States that participated in the Multilateral Meetings on the Management of High Seas Fisheries in the North Pacific Ocean and shall remain open for signature for twelve (12) months.
2. This Convention shall be subject to ratification, acceptance or approval by the Signatories. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Korea, which shall be the Depositary. The Depositary shall inform all Signatories and all Contracting Parties of all ratifications, acceptances or approvals deposited and perform such other functions as are provided for in the 1969 *Vienna Convention on the Law of Treaties* and customary international law.

Article 24

Accession

1. This Convention shall be open for accession by the States referred to in Article 23, paragraph 1.
2. After the entry into force of this Convention, the Contracting Parties may, by consensus, invite to accede to this Convention:

- (a) other States or regional economic integration organizations whose fishing vessels wish to conduct fishing activities for fisheries resources in the Convention Area; and
 - (b) other coastal States of the Convention Area.
3. Any Contracting Party that does not join the consensus in relation to paragraph 2 shall present to the Commission in writing its reasons for not doing so.
 4. Instruments of accession shall be deposited with the Depositary. The Depositary shall inform all Signatories and all Contracting Parties of all accessions.

Article 25
Entry into Force

1. This Convention shall enter into force one hundred and eighty (180) days from the date of receipt by the Depositary of the fourth instrument of ratification, acceptance, approval or accession.
2. For Contracting Parties that have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or thirty (30) days after the date of deposit of the instrument, whichever is the later date.
3. For Contracting Parties that have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Convention entered into force, this Convention shall become effective thirty (30) days after the date of deposit of the instrument.

Article 26
Reservations and Exceptions

No reservations or exceptions may be made to this Convention.

Article 27
Declarations and Statements

Article 26 does not preclude a State or regional economic integration organization, when signing, ratifying, accepting, approving or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the

legal effect of the provisions of this Convention in their application to that State or regional economic integration organization.

Article 28
Relation to Other Agreements

1. This Convention shall not alter the rights and obligations of Contracting Parties that arise from other agreements compatible with this Convention and that do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.
2. Nothing in this Convention shall prejudice the rights, jurisdiction and duties of Contracting Parties under the 1982 Convention or the 1995 Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the 1995 Agreement.

Article 29
Amendments

1. Any proposal to amend this Convention shall be sent in writing to the Chairperson of the Commission at least ninety (90) days prior to the meeting at which it is proposed to be considered, and the Chairperson of the Commission shall promptly transmit the proposal to all members of the Commission. Proposed amendments to this Convention shall be considered at the regular meeting of the Commission, unless a majority of the members of the Commission requests a special meeting to discuss the proposed amendment. A special meeting may be convened with not less than ninety (90) days notice.
2. Amendments to this Convention by the Commission shall be adopted by the Contracting Parties by consensus. The text of any amendments so adopted shall be transmitted by the Depositary to all Contracting Parties.
3. An amendment shall take effect for all Contracting Parties one hundred and twenty (120) days after the date of transmittal specified in the notification by the Depositary of receipt of written notification of approval by all Contracting Parties.
4. Any State or regional economic integration organization that becomes a Contracting Party to this Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved that amendment.

Article 30
Annex

The Annex shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Annex.

Article 31
Withdrawal

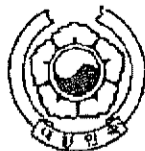
1. Any Contracting Party may withdraw from the Convention on 31 December of any year by giving notice on or before the preceding 30 June to the Depositary, which shall communicate copies of such notice to other Contracting Parties.
2. Any other Contracting Party may then withdraw from the Convention on the same 31 December by giving notice to the Depositary within one month of receipt of a copy of a notice of withdrawal given pursuant to paragraph 1.

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

DONE at Tokyo, on this twenty-fourth day of February 2012, in the English and French languages, each text being equally authentic.

Annex
Fishing Entities

1. After the entry into force of this Convention, any fishing entity whose vessels have fished or intend to fish for fisheries resources may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of this Convention and comply with any conservation and management measures adopted pursuant to this Convention. Such commitment shall become effective thirty (30) days from the date of receipt of the instrument. Any such fishing entity may withdraw such commitment on December 31 of any year by written notification on or before the preceding June 30 to the Depositary.
2. Any fishing entity referred to in paragraph 1 may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of this Convention as it may be amended pursuant to Article 29, paragraph 3. This commitment shall be effective from the dates referred to in Article 29, paragraph 3 or on the date of receipt of the written communication referred to in this paragraph, whichever is later.
3. A fishing entity that has expressed its firm commitment to abide by the terms of this Convention and comply with conservation and management measures adopted pursuant to this Convention in accordance with paragraph 1 must abide by the obligations of members of the Commission and may participate in the work, including decision-making, of the Commission in accordance with the provisions of this Convention. For the purposes of this Convention, references to the Commission or members of the Commission include such fishing entity.
4. If a dispute involves a fishing entity that has expressed its commitment to be bound by the terms of this Convention in accordance with this Annex and cannot be settled by amicable means, the dispute shall, at the request of any party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.
5. The provisions of this Annex relating to the participation of a fishing entity are only for the purposes of this Convention.



KOREAN MISSION IN TAIPEI

MOFA 324

Taipei, July 28, 2015

The Korean Mission in Taipei presents its compliments to the Ministry of Foreign Affairs of the Republic of China and regarding the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (hereinafter referred to as the "Convention") done at Tokyo on February 24, 2012, under which the Republic of Korea has been designated as the Depositary, the Mission has the honor to inform the Ministry that the written instrument referred to in the Annex of the Convention on Fishing Entities was delivered to the Depositary on July 27, 2015 and that, in accordance with the said Annex, the commitment expressed in the written instrument shall become effective on August 25, 2015.

The Korean Mission in Taipei avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Ministry of Foreign Affairs

Republic of China

MOFA

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