

法規名稱：FISHERIES AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CHINA AND GOVERNMENT OF THE MARSHALL ISLANDS

簽訂日期：民國 71 年 10 月 22 日

生效日期：民國 71 年 11 月 01 日

The Government of the Republic of China and the Government of the Republic of the Marshall Islands,

Considering their common concern for the rational management, conservation and optimum utilization of fishery resources of the coasts of the Marshall Islands,

Recognizing that the Government of the Republic of the Marshall Islands has jurisdiction in respect of fishery resources within the Exclusive Fishery Zone and the Extended Fishery Zone as defined by the Marshall Islands Marine Resources Jurisdiction Act of 1978 (hereinafter referred to as "the Fishery Zone"),

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern, and,

Affirming their wish to establish mutually beneficial cooperation in the field of fisheries and in this way to contribute to friendly relations between the Marshall Islands and the Republic of China,

Have agreed as follows:

ARTICLE I

Fishing by nationals and fishing vessels of the Republic of China within the Fishery Zone shall be conducted in accordance with the provisions of this Agreement.

ARTICLE II

The Government of the Republic of the Marshall Islands and the Government of the Republic of China shall hold consultations concerning fishing by nationals and fishing vessels of the Republic of China within the Fishery Zone and regarding the implementation of this Agreement.

ARTICLE III

- 1 The Government of the Republic of the Marshall Island shall determine each year, taking into account the consultations with the Government of the Republic of China referred to in Article II of this Agreement and, where appropriate, on the basis of the best available scientific evidence, regulatory measures with respect to the conduct of fishing by nationals and fishing vessels of the Republic of China within the Fishery Zone .
- 2 The Government of the Republic of the Marshall Islands shall notify the Government of the Republic of China of the determinations referred to in paragraph 1 of this Article on a timely basis.

ARTICLE IV

The Government of the Republic of the Marshall Islands shall issue licenses, in accordance with the relevant laws and regulations of the Marshall Islands with regard to the Fishery Zone, to enable fishing vessels of the Republic of China to engage in fishing within The Fishery Zone.

ARTICLE V

- 1 The Government of the Republic of China shall take necessary measures to ensure, in accordance with the relevant laws and regulations of the Republic of china that fishing vessels of the Republic of China unless licensed under this Agreement shall not engage in fishing within the Fishery Zone and that nationals and fishing vessels of the Republic of China engaging in fishing under this Agreement comply with the provisions of this Agreement and with the terms and conditions of licenses issued by the Government of the Republic of the Marshall Islands.
- 2 The Government of the Republic of the Marshall Islands shall notify the Government of the Republic of China of the terms and conditions of licenses referred to in paragraph 1 of this

Article on a timely basis.

ARTICLE VI

- 1 In cases of arrest or seizure by the authorities of the Marshall Islands of nationals or fishing vessels of the Republic of China notification shall be given promptly to inform the Government of the Republic of China of the action taken.
- 2 Arrested nationals of the Republic of China and seized fishing vessels of the Republic of China shall be promptly released in accordance with the relevant laws of the Marshall Islands, subject to reasonable bond or other security.

ARTICLE VII

The Government of the Republic of the Marshall Islands may impose reasonable fines on nationals and fishing vessels of the Republic of China which do not comply with the provisions of this Agreement.

ARTICLE VIII

The Government of the Republic of the Marshall Islands and the Government of the Republic of China shall promote the objective of conservation and optimum utilization of the resources of the highly migratory species, like species of tuna, of the Pacific Ocean including the waters off the coasts of the Marshall Islands.

ARTICLE IX

Subject to the availability of facilities and the needs of Marshall Islands vessels, the Government of the Republic of Marshall Island undertakes to permit fishing vessels of the Republic of China licensed under this Agreement to enter Marshall Islands ports in accordance with the relevant laws, regulations and administrative requirements of the Marshall Islands. The Government of the Marshall Islands shall notify the Government of the Republic of China of the terms and conditions under which other fis-

hing vessels of the Republic of China will be permitted to enter Marshall Islands ports.

ARTICLE X

Nothing in this Agreement shall be deemed to prejudice the position of either Government in regard to any question under negotiation at the Third United Nations Conference on the Law of the Sea.

ARTICLE XI

1 This Agreement shall enter into force on the first day of November, 1982.

2 This Agreement shall remain in force for a period of two years and shall continue in force thereafter until the expiration of six months from the day on which either Government shall give notice of its intention to terminate this Agreement.

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

DONE at Taipei this 22nd. day of October, 1982, in duplicate in the English language.

For the Government of the Republic of China
(Signed)

Chang Hsueh-shen
Administrative Vice
Minister of Economic
Affairs

For the Government of
the Republic of Marshall Islands
(Signed)

Tony A. De Brum
Secretary of Foreign Affairs