

No. 18555

**NEW ZEALAND
and
REPUBLIC OF KOREA**

**Fisheries Agreement. Signed at Wellington on 16 March
1978**

Authentic texts: English and Korean.

Registered by New Zealand on 17 April 1980.

**NOUVELLE-ZÉLANDE
et
RÉPUBLIQUE DE CORÉE**

Accord sur la pêche. Signé à Wellington le 16 mars 1978

Textes authentiques : anglais et coréen.

Enregistré par la Nouvelle-Zélande le 17 avril 1980.

FISHERIES AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

The Government of New Zealand and the Government of the Republic of Korea,

Recalling their concern for the rational management, conservation and utilisation of the living resources of the sea,

Noting the importance of these resources as a source of protein,

Recognising that the Government of New Zealand proposes, in accordance with relevant principles of international law, to exercise within a zone of 200 nautical miles sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources of that zone,

Taking into account the work of the Third United Nations Conference on the Law of the Sea,

Desirous of establishing terms and conditions under which their mutual fishery relations shall be conducted,

Taking into account their desire to promote cooperation in the field of fisheries,
Have agreed as follows:

Article I. The Government of New Zealand and the Government of the Republic of Korea undertake to ensure close cooperation between the two countries in matters relating to the conservation and utilisation of the living resources of the sea.

Article II. The Government of New Zealand undertakes to permit Korean vessels to fish within the area under New Zealand fisheries jurisdiction (hereinafter referred to as the New Zealand Exclusive Economic Zone) subject to the provisions of this Agreement, for allocations as appropriate of parts of total allowable catches surplus to the New Zealand harvesting capacity.

Article III. (1) The Government of New Zealand will, in the exercise of its sovereign rights, determine annually, subject to adjustment when necessary to meet unforeseen circumstances, with respect to the living resources within the New Zealand Exclusive Economic Zone:

- (a) The total allowable catch for individual fisheries or parts of fisheries;
- (b) The New Zealand harvesting capacity in respect of such fisheries; and
- (c) The allocation for Korean vessels of parts of surpluses of fisheries (or parts of fisheries).

(2) The Government of New Zealand shall give to the Government of the Republic of Korea as much notice as possible of decisions taken pursuant to paragraph (1) of this article.

(3) In order to fish for allocations pursuant to paragraph (1) (c) above Korean vessels shall obtain licences in accordance with New Zealand law.

¹ Came into force on 16 March 1978 by an exchange of notes confirming the completion of the internal procedures of both Governments, in accordance with article XII.

Article IV. (1) The Government of the Republic of Korea shall take measures to ensure:

- (a) That its nationals and fishing vessels refrain from fishing for living resources in the New Zealand Exclusive Economic Zone unless licensed in accordance with New Zealand law;
- (b) That all vessels licensed to fish in the New Zealand Exclusive Economic Zone comply with relevant New Zealand laws and regulations, the provisions of this Agreement and the terms and conditions established in their licences;
- (c) That all fishing vessels allow and assist boarding by competent New Zealand officials for the purposes of inspection or enforcement;
- (d) That all fishing vessels comply at all times with instructions given by any vessel or aircraft of the New Zealand Armed Forces or by other New Zealand Government vessels or aircraft.

(2) The Government of New Zealand agrees that prompt notification will be given through diplomatic channels informing the Government of the Republic of Korea in the event of the arrest of a Korean fishing vessel or its crew.

(3) In the case of arrest, Korean fishing vessels and their crews shall, on compliance with the requirements of New Zealand law, be promptly released.

Article V. The Government of the Republic of Korea shall ensure that all necessary measures are taken to ensure prompt and adequate compensation to the New Zealand Government or New Zealand citizens for any loss or damage that is caused by Korean fishing vessels.

Article VI. (1) The Government of New Zealand and the Government of the Republic of Korea agree to cooperate in ensuring the proper management and conservation of:

- (a) The same stock or stocks of associated species occurring both within the New Zealand Exclusive Economic Zone and in an area beyond and adjacent to the New Zealand Exclusive Economic Zone; and
- (b) To the extent that they may now or in the future be of mutual interest, the living resources in the sub-Antarctic and Antarctic Oceans.

(2) The Government of the Republic of Korea agrees, in order to cooperate with the Government of New Zealand, that only vessels licensed in accordance with article III of this Agreement may fish in the areas of high seas which are fully enclosed by the New Zealand Exclusive Economic Zone, and that such vessels will, in fishing within such areas, comply with New Zealand laws for the management and conservation of the living resources of the New Zealand Exclusive Economic Zone and licensing conditions as if such laws and licensing conditions were applicable in those areas.

Article VII. The Government of the Republic of Korea shall ensure that its nationals and vessels will refrain in accordance with New Zealand law from harassing, hunting, capturing or killing any marine mammal in the New Zealand Exclusive Economic Zone unless specifically authorised by the Government of New Zealand.

Article VIII. (1) The Government of the Republic of Korea agrees to cooperate with the Government of New Zealand in the planning and conduct of scientific research for the purposes of managing and conserving the living resources in the New Zealand Exclusive Economic Zone.

(2) The Government of the Republic of Korea shall make available to the Government of New Zealand such statistical and biological information as may be required from time to time by the Government of New Zealand for the purposes of managing and conserving the living resources in the New Zealand Exclusive Economic Zone.

Article IX. (1) The Government of New Zealand and the Government of the Republic of Korea shall hold periodic bilateral consultations regarding the implementation of this Agreement and shall examine the possibility of developing further cooperation in the field of fisheries. In particular, they shall consider future bilateral cooperation in respect of:

- (a) Cooperative arrangements for the catching, utilisation, processing and marketing of living resources from the New Zealand Exclusive Economic Zone;
- (b) The expansion of markets, including improved market access, for fish and fish products originating in New Zealand;
- (c) Cooperative arrangements in respect of fishery resources of mutual interest outside the New Zealand Exclusive Economic Zone;
- (d) Such other matters as may be agreed.

(2) The Government of New Zealand, in the exercise of its sovereign rights under article III of this Agreement, will take into consideration all relevant factors including, *inter alia*, New Zealand interests, the development of cooperation between the two Governments pursuant to this Agreement, and the previous record of Korean fishing for living resources off the coast of New Zealand.

Article X. Nothing contained in this Agreement shall affect or prejudice in any manner the position of either Government with regard to the Third United Nations Conference on the Law of the Sea.

Article XI. The Government of the Republic of Korea shall take measures to ensure that its nationals and vessels comply with the laws relating to fisheries from time to time in force in waters under the jurisdiction of territories for whose international relations New Zealand is responsible.

Article XII. (1) This Agreement shall enter into force on a date to be agreed by exchange of notes upon the completion of the internal procedures of both Governments.

(2) This Agreement shall remain in force until 30 June 1982 unless terminated by either Government by giving notification of such termination twelve months in advance.

(3) Without prejudice to the provisions of article XI this Agreement shall not apply to the Cook Islands, Niue or Tokelau.

IN WITNESS WHEREOF, the undersigned, duly authorised by their respective Governments for this purpose, have signed this Agreement.

DONE at Wellington on this 16th day of March 1978 in two originals, one each in the English and Korean languages, both texts being equally authentic.

For the Government
of New Zealand:

L. R. ADAMS-SCHNEIDER

For the Government
of the Republic of Korea:

CHUN SUONG LEE