

No. 24048

**AUSTRALIA
and
REPUBLIC OF KOREA**

**Agreement on fisheries. Signed at Canberra on 23 November
1983**

Authentic texts: English and Korean.

Registered by Australia on 24 April 1986.

**AUSTRALIE
et
RÉPUBLIQUE DE CORÉE**

**Accord relatif aux pêcheries. Signé à Canberra le 23 novem-
bre 1983**

Textes authentiques : anglais et coréen.

Enregistré par l'Australie le 24 avril 1986.

AGREEMENT¹ ON FISHERIES BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

The Government of Australia and the Government of the Republic of Korea,
Recalling their concern for the rational management, conservation and optimum utilisation of the living resources of the sea and the need to promote the orderly development of the international law of the sea,

Noting the importance of these resources as one of the major sources of food,

Taking into account developments in the international law of the sea including the adoption of the Convention of the Law of the Sea at the Third United Nations Conference on the Law of the Sea,

Recognising that the Government of Australia exercises, in accordance with international law, sovereign rights for the purposes of exploring and exploiting, conserving and managing the living resources within the zone of 200 nautical miles off its coasts (hereinafter referred to as “the Australian fishing zone”),

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

Taking into account their desire to promote co-operation in the field of fisheries and in this way further to develop friendly relations between Australia and the Republic of Korea,

Have agreed as follows:

Article I

In this Agreement

“Fishing vessel of the Republic of Korea” means a vessel registered in the Republic of Korea and operated for commercial purposes by and for nationals or corporations of the Republic of Korea and used or equipped to be used for fishing, performing any activity relating to fishing, including transportation or processing, or supporting one or more vessels at sea in the performance of any such activity; and

“Living marine resources” does not include sedentary species.

Article II

The Government of Australia and the Government of the Republic of Korea undertake to ensure close co-operation between the two countries in matters pertaining to the conservation and optimum utilisation of the living marine resources. They shall endeavour to facilitate co-operation and shall continue to consult and co-operate bilaterally or multilaterally, as appropriate, with a view to achieving common fisheries objectives.

¹ Came into force on 24 November 1983, the date mutually agreed upon by an exchange of notes after the completion of the internal procedures, in accordance with article XIII.

Article III

1. The Government of Australia shall, in the exercise of its sovereign rights in respect of the living marine resources within the Australian fishing zone, determine annually, subject to adjustment when necessary to meet unforeseen circumstances:

- (a) The total allowable catch for individual stocks or complexes of stocks, taking into account the best available scientific evidence, the interdependence of stocks and all other relevant factors;
- (b) The portion of the total allowable catch for such stocks that will be taken by fishing vessels of Australia; and
- (c) The allocation, which may be made available for fishing vessels of the Republic of Korea, of parts of surpluses of such stocks.

2. The Government of Australia shall inform the Government of the Republic of Korea, on a timely basis, of any determination or adjustment made in pursuance of this Article.

Article IV

1. The Government of Australia shall permit fishing vessels of the Republic of Korea to be used for fishing within the Australian fishing zone in accordance with the provisions of this Agreement.

2. The Government of Australia in the exercise of its sovereign rights shall take into account all relevant factors including *inter alia* the significance of the living resources of the Australian fishing zone to the Australian economy and Australia's other national interests, and the development of co-operation between the two countries pursuant to any understandings reached between them in connection with this Agreement.

3. The detailed procedures for the conduct of fishing operations by fishing vessels of the Republic of Korea within the Australian fishing zone and for the issuance of licences by the Government of Australia shall be provided for in subsidiary agreements or other arrangements between the two Governments or their relevant authorities for the implementation of this Agreement. Such agreements or other arrangements shall be read in conjunction with and subject to the provisions of this Agreement.

4. Fishing vessels of the Republic of Korea used for fishing within the Australian fishing zone shall comply with Australian laws applicable to foreign fishing vessels within the Australian fishing zone.

Article V

The Government of the Republic of Korea shall take the necessary measures to ensure:

- (a) That fishing vessels of the Republic of Korea are not used for fishing within the Australian fishing zone, and do not enter an Australian port, unless licensed under this Agreement or otherwise permitted by Australian law;
- (b) That fishing vessels of the Republic of Korea licensed to fish within the Australian fishing zone comply with Australian laws applicable to foreign fishing vessels in the zone, the terms and conditions of Australian licences and the provisions of this Agreement; and

- (c) That persons on board fishing vessels of the Republic of Korea within the Australian fishing zone allow and assist boarding and comply with the instructions of duly authorised Australian officials for the purposes of inspection and enforcement.

Article VI

1. In the event of seizure or arrest by appropriate Australian authorities of fishing vessels of the Republic of Korea or their crews, the Government of Australia shall give prompt notification through diplomatic channels informing the Government of the Republic of Korea of the action taken.

2. In the event of seizure or arrest, fishing vessels of the Republic of Korea or their crews shall, on compliance with the requirements of Australian laws relating to bond or other security be promptly released.

Article VII

1. The Government of the Republic of Korea shall take necessary measures to notify the Government of Australia of details of fishing vessels of the Republic of Korea and persons on board those vessels, for which Australian licences are sought in pursuance of this Agreement.

2. The Government of Australia shall issue licences to fishing vessels of the Republic of Korea upon fulfilment of conditions which will be set forth in accordance with Articles III and IV of this Agreement and with the relevant Australian laws.

Article VIII

1. The Government of the Republic of Korea shall co-operate with the Government of Australia in the conduct of scientific research for the purposes of the effective conservation and optimum utilisation of the living marine resources within the Australian fishing zone.

2. The Government of the Republic of Korea shall make available to the Government of Australia such statistical and biological information as may be required by the Government of Australia for the purposes of managing and conserving the living marine resources within the Australian fishing zone.

Article IX

The Government of the Republic of Korea shall take all necessary measures to facilitate prompt and adequate settlement of a claim for loss or damage incurred by the Government of Australia or Australian citizens for which fishing vessels of the Republic of Korea licensed pursuant to Article VIII are responsible while within the Australian fishing zone for the purpose of fishing operations.

Article X

The Government of Australia and the Government of the Republic of Korea shall hold periodic consultations regarding the implementation of this Agreement.

Article XI

If a dispute arises between the Government of Australia and the Government of the Republic of Korea as to the interpretation or application of any of the provisions of this Agreement, the two Governments shall settle it by negotiation

between themselves. Such negotiations shall begin within sixty days after one Government receives a request for the opening of negotiations from the other.

Article XII

Nothing in this Agreement shall be deemed to affect other international Agreements to which Australia and the Republic of Korea are parties or to prejudice the position of the Government of either country in regard to the Convention on the Law of the Sea, signed respectively by Australia on the tenth day of December, one thousand nine hundred and eighty-two and by the Republic of Korea on the fourteenth day of March, one thousand nine hundred and eighty-three.

Article XIII

1. This Agreement shall enter into force on a date to be mutually arranged by an exchange of notes, upon completion of the internal procedures of both Governments.

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

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

DONE at Canberra this 23rd day of November 1983, in the English and Korean languages, both texts being equally authentic.

For the Government
of Australia:

[Signed — Signé]¹

For the Government
of the Republic of Korea:

[Signed — Signé]²

¹ Signed by John Kerin — Signé par John Kerin.

² Signed by Sang Koo Kim — Signé par Sang Koo Kim.