

TONGA

AGREEMENT ON FISHERIES
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF CHINA
AND
THE GOVERNMENT OF THE KINGDOM OF TONGA

Signed on October 9, 1980;
Entered into force on October 9, 1980.

The Government of the Republic of China and
the Government of the Kingdom of Tonga,

Conscious of their common concern for the rational
management, conservation and utilisation of the living
resources of the sea;

Recognising that the Kingdom of Tonga is a de-
veloping island nation whose major resources are the
living resources in the sea around its territories, and
that development in the field of fisheries is of vital
necessity for the Kingdom of Tonga;

Recognising that the Government of the Kingdom
of Tonga in accordance with relevant principles of
international law has jurisdiction in and exercises
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 fisheries relations shall be con-
ducted;

Affirming their desire to promote cooperation in
the field of fisheries and in this way to contribute to
friendly relations between them;

Have agreed as follows:

ARTICLE I

The Government of the Republic of China and
the Government of the Kingdom of Tonga 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

1. The Government of the Kingdom of Tonga

東 加

中華民國政府與東加
王國政府間漁業協定
(中譯本)

六十九年十月九日簽訂；
六十九年十月九日生效。

中華民國政府與東加王國政
府，

鑒於雙方對於海洋生物資源之
合理管理、養護及利用之共同關
切；

承認東加王國為一開發中之島
國，其主要資源為圍繞其領土之海
洋中之生物資源，及漁業方面之發
展對東加王國極為需要；

承認東加王國政府依照有關國
際法之原則，在二百海哩區域內具
有管轄權，並得為探勘、開採、養
護及管理該區域生物資源之目的，
在該區域內行使主權上之權利；

顧及聯合國第三屆海洋法會議
之工作；

咸欲建立足資雙方據以管理其
相互漁業關係之條件；

確認雙方咸欲促進在漁業方面
之合作，並藉此增進雙方間之友好
關係；

爰經協議如下：

第 一 條

中華民國政府與東加王國政府
擔承保證，兩國就有關海洋生物資
源之養護與利用事項，密切合作。

第 二 條

一、東加王國政府承允准許中

undertakes to permit fishing vessels of the Republic of China to fish within the Exclusive Economic Zone to be established under the Territorial Sea and Exclusive Economic Zone Act 1978 of the Kingdom of Tonga (hereinafter referred to as the Tonga Exclusive Economic Zone) subject to the provisions of this Agreement, for allocations, as appropriate, of parts of total allowable catches surplus to the Tonga harvesting capacity.

2. Unless specifically authorised by the Government of the Kingdom of Tonga, fishing vessels of the Republic of China shall not conduct fishing operation of any kind within the territorial sea or internal waters of the Kingdom of Tonga.

ARTICLE III

1. The Government of the Kingdom of Tonga will in exercise of its sovereign rights, determine annually, subject to adjustment where necessary to meet unforeseen circumstances with respect to the living resources within the Tonga Exclusive Economic Zone:

- (a) the total allowable catch for individual fishery resources or parts of such fishery resources;
- (b) the portion of total allowable catch within Tonga's harvesting capacity in respect of such fishery resources and
- (c) the portion of total allowable catch for fishing vessels of the Republic of China of parts of surpluses of fishery resources or parts of fishery resources.

2. The Government of the Kingdom of Tonga will give to the Government of the Republic of China as much notice as possible of the determinations made pursuant to paragraph 1 of this Article,

3. In order to fish for the portion of the total allowable catch pursuant to paragraph 1 (a) of this Article, fishing vessels of the Republic of China shall obtain licenses or appropriate authority in accordance with the relevant laws of the Kingdom of Tonga.

ARTICLE IV

The Government of the Republic of China shall take measures in accordance with the relevant laws and regulations of the Government of Tonga to ensure:—

- (a) that the nationals and fishing vessels of the Republic of China refrain from fishing for

華民國漁船，在依照東加王國一九七八年領海及專屬經濟區法所建立之專屬經濟區（以下簡稱東加專屬經濟區）內，就東加捕撈後所剩餘之漁獲總許可量之部份之適當配額，依照本協定之規定，從事捕撈。

二、除東加王國政府特准者外，中華民國漁船不可在東加王國之領海或內水內從事任何種類之捕撈作業。

第三條

一、除遇有在東加專屬經濟區內之生物資源發生未可預料之情況須作必要之調整外，東加王國政府在行使其主權上之權利時，將每年決定：

- (甲) 各種魚類資源或其部份資源之漁獲總許可量；
- (乙) 該魚類資源之漁獲總許可量中有關東加捕撈之漁獲量；
- (丙) 該魚類資源或其部份資源之漁獲總許可量中過剩資源部份可供中華民國漁船捕撈部份。

二、東加王國政府依照本條第一款所作之決定，將儘可能通知中華民國政府。

三、中華民國之漁船，依本條第一款（甲）項之規定捕撈漁獲總許可量中之配額時，應取得依東加王國有關法律之許可證或適當授權。

第四條

中華民國政府應依照東加政府有關法律規章，採取措施，以保證：

- (甲) 除依第三條獲許可證者外，中華民國國民及漁船

living resources within the Tonga Exclusive Economic Zone, unless licensed pursuant to Article III;

- (b) that all fishing vessels of the Republic of China licensed to fish within the Tonga Exclusive Economic Zone comply with the relevant laws and regulations of the Kingdom of Tonga in respect of fisheries, the provisions of this Agreement and the terms and conditions established in their licenses.
- (c) that all fishing vessels of the Republic of China allow and assist boarding by competent Tongan officials for the purposes of inspection or enforcement; and
- (d) that all fishing vessels of the Republic of China comply at all times with the instructions given by any Tonga Government agency or vessels or aircraft.

ARTICLE V

1. The Government of the Kingdom of Tonga agrees that prompt notification shall be given through diplomatic channels informing the Government of the Republic of China in the event of the seizure of a fishing vessel of the Republic of China or the arrest of its crew.

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

ARTICLE VI

The Government of the Republic of China shall ensure that all necessary measures are taken to ensure prompt and adequate compensation to the Government of the Kingdom of Tonga and Tongan subjects for any loss or damage for which the fishing vessels of the Republic of China licensed in accordance with Article III of this Agreement have been responsible while in the Tonga Exclusive Economic Zone for the purposes of fisheries operations.

ARTICLE VII

The Government of the Republic of China and the Government of the Kingdom of Tonga agree to cooperate in ensuring the proper management and conservation of the marine living resources both within the Tonga Exclusive Economic Zone and in an area

應避免在東加專屬經濟區內從事捕撈生物資源；

- (乙) 所有獲許可證在東加專屬經濟區內從事捕撈之中華民國漁船，應遵守東加王國有關漁業之法律規章，本協定各條款及許可證上所敘載之各項條件；
- (丙) 所有中華民國之漁船，應允許並協助東加主管官員為檢查或執行任務之目的登船；及
- (丁) 所有中華民國之漁船，應隨時遵守任何東加政府機關、船舶或航空器所發出之指示。

第五條

一、東加王國政府同意，遇有中華民國漁船被扣留或其船員被拘捕時，應經由外交途徑迅速通知中華民國政府。

二、中華民國漁船及其船員如被扣留或拘捕時，應在遵照東加王國政府有關保證金或其他擔保品之法律規定辦理後，迅速獲得釋放。

第六條

中華民國政府應保證採取一切必要措施，以確保依照本協定第三條獲有許可證之中華民國漁船在東加專屬經濟區內從事漁撈作業時，對東加王國政府及人民所造成之任何損失或損害，予以迅速而適當之補償。

第七條

中華民國政府與東加王國政府同意合作，以確保在東加專屬經濟區內及鄰接東加專屬經濟區及以外之一區域內之海洋生物資源之妥適

beyond and adjacent to the Tonga Exclusive Economic Zone.

ARTICLE VIII

The Government of the Republic of China shall ensure that nationals and vessels of the Republic of China will refrain from harassing, hunting, capturing or killing any marine mammal in the Tonga Exclusive Economic Zone unless specifically authorised by the Government of the Kingdom of Tonga.

ARTICLE IX

The Government of the Republic of China agrees to cooperate with the Government of Tonga in the planning and conduct of scientific research for the purposes of managing and conserving the living resources within the Tonga Exclusive Economic Zone.

2. The Government of the Republic of China shall make available to the Government of the Kingdom of Tonga such statistical and biological information as may be required by the Government of the Kingdom of Tonga for the purposes of managing and conserving the living resources within the Tonga Exclusive Economic Zone.

ARTICLE X

1. The Government of the Republic of China and the Government of the Kingdom of Tonga shall hold periodic bilateral consultations regarding the implementation of this Agreement.

2. In such consultations, the two Governments shall amongst other things examine the possibility of developing further cooperation in the field of fisheries, including in particular:—

- (a) exchange of technical information and personnel;
- (b) the expansion of markets, including improved market access, for fish and fish products originating in Tonga;
- (c) cooperative arrangements, including joint ventures where appropriate, for the catching, utilization, processing and marketing of catches from the Tonga Exclusive Economic Zone;
- (d) arrangements for:—
 - (i) the entry into Tongan ports of fishing vessels of the Republic of China licensed

管理與養護。

第八條

除東加王國政府明示許可者外，中華民國政府應保證中華民國國民及船隻應避免在東加專屬經濟區內圍捕、獵取、捕捉或殺害任何海洋哺乳動物。

第九條

一、中華民國政府同意，為管理及養護東加專屬經濟區內之生物資源之目的，在規劃及從事科學研究方面，與東加王國政府合作。

二、中華民國政府應提供東加王國政府為管理與養護東加專屬經濟區內之生物資源所需之統計及生物資料。

第十條

一、中華民國政府與東加王國政府應就本協定之實施，舉行定期雙邊磋商。

二、在此種磋商中，雙方政府除其他事項外，應就漁業方面推展進一步合作之可能性，加以檢討，尤其包括：

- (甲) 技術資料與人員之交換；
- (乙) 對源自東加之魚及魚產品市場之擴展，包括業經改善之市場途徑；
- (丙) 對東加專屬經濟區漁獲之撈捕、利用、加工及銷售之合作安排，包括適當之共同投資；
- (丁) 安排：
 - (一) 依照本協定第三條獲許可證之中華民國漁船之進入

in accordance with Article III of this Agreement; and

- (ii) their provisioning, refuelling and repair, on a commercial basis, while in Tongan ports;

3. Subject to the provision of paragraphs 1 and 2 of this Article, the Government of the Kingdom of Tonga undertakes to permit fishing vessels of the Republic of China to enter Tongan ports in accordance with the relevant laws, regulations and administrative requirements of the Kingdom of Tonga.

ARTICLE XI

Nothing contained in this Agreement shall affect other existing international agreements to which the Government of the Republic of China and the Government of the Kingdom of Tonga are parties or prejudice in any manner to position which either Government may take at the Third United Nations Conference on the Law of the Sea in respect of any question under negotiation at that Conference.

ARTICLE XII

1. This Agreement shall enter into force on the date of signature.

2. The Agreement shall remain in force until 9th October 1985 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 authorised thereto by their respective Governments, have signed this Agreement.

DONE at Nuku'alofa on 9th October 1980 corresponding to the ninth day of the tenth month of the sixty-ninth year of the Republic of China, in duplicate in the English language.

(Signed)
Cheng Kau
For the Government of the
Republic of China

(Signed)
Tupouto'a
For the Government of the
Kingdom of Tonga
His Royal Highness Crown Prince Tupouto'a
Minister of Foreign Affairs and Defence
Kingdom of Tonga

東加港口；及

- (二)此等漁船在東加港口時，以商業為基礎之補給、加添燃料及修理。

三、在不違反本條第一、第二款之規定下，東加王國政府承允准許中華民國漁船依照東加王國之有關法律、規章及行政要件，進入東加港口。

第十一條

本協定應不影響中華民國政府與東加王國政府所參加之其他現存國際協定，亦決不損及任何一方政府在聯合國第三屆海洋法會議中，就正在協商中之任何問題，所擬採取之立場。

第十二條

一、本協定應自簽署之日起生效。

二、本協定效期至一千九百八十五年十月九日，此後並應繼續有效，至任何一方政府通知廢止本協定之日起滿六個月之日為止。

為此，雙方各經其政府正式授權代表爰於本協定簽字，以昭信守。

中華民國六十九年十月九日即
公曆一千九百八十年十月九日於努
瓜婁發。

中華民國政府代表
高 錚 (簽字)

東加王國政府代表
杜 包 塔 (簽字)