

REPUBLIC OF KOREA

Fisheries: North Pacific Driftnet

*Agreement effected by exchange of notes
Signed at Washington May 8 and August 7, 1991;
Entered into force August 7, 1991.
With record of understandings.*

The Department of State to the Korean Embassy

The Department of State refers the Embassy of the Republic of Korea to the Record of Understandings between the representatives of the United States and the Republic of Korea regarding Korea's high seas squid driftnet fishery in the North Pacific Ocean. The Department of State further refers to the temporary arrangements outlined in the Record of Understandings.

If the enclosed Record of Understandings is acceptable to the Government of the Republic of Korea, the Department of State proposes that this note and the Embassy of the Republic of Korea's note in reply confirming the acceptance by the Government of the Republic of Korea of the temporary arrangements shall constitute an agreement between the two governments, which shall enter into force on the date of the Embassy of the Republic of Korea's note in reply and shall remain in force through June 30, 1992.

Enclosure:

Record of Understandings

Department of State,
Washington, May 8, 1991.

RECORD OF UNDERSTANDINGS

Representatives of the United States and the Republic of Korea agree to the following temporary arrangements through June 1992:

- a) Officials of one party, upon encountering a driftnet vessel of the other party that they desire to visit to verify compliance with driftnet fishing regulations, shall transmit to the appropriate officials of the other party a request to conduct a cooperative visit.
- b) If the officials of the other party find that they are unable to join in the cooperative visit and verification, they will cooperate and assist the officials of the requesting party to conduct the visit and verification. In those cases where the on-scene officials of the requesting party find that officials of the other party are not immediately present to join in the visit and verification, the officials of the requesting party will initiate the visit and verification.
- c) The visiting officials may verify compliance with driftnet fishing regulations, remove any anadromous species on board, document incidental catches of marine mammals, seabirds, and anadromous species, and take representative samples of those resources.
- d) Officials of the party conducting the visit and verification shall take all reasonable measures to ensure a minimum interference to legitimate fishing operations of the driftnet vessel. The officials will conduct their operations in accordance with applicable rules of international law and practice.
- e) Upon arrival of officials of the other party, the officials of the two parties shall jointly continue the visit and verification.
- f) If the officials of the other party do not arrive before the officials of the requesting party complete the visit and verification, the authorities of the requesting party will notify promptly the authorities of the other party of the results of the visit and verification and will consult with the authorities of the other party regarding the disposition of the violations detected.
- g) When no violation is detected as a result of the verification activities, the visiting officials shall immediately withdraw from the vessel.
- h) The appropriate authorities will ensure that the visit and verification procedure for driftnet vessels will also apply to all transport vessels.

The Korean Embassy to the Department of State

EMBASSY OF THE REPUBLIC OF KOREA
WASHINGTON, D.C.

The Embassy of the Republic of Korea has the honor to acknowledge the receipt of the Department of State's note dated May 8, 1991, which reads as follows:

[For text of the U.S. note, see pp. 2-3.]

The Embassy of the Republic of Korea has further the honor to accept on behalf of the Government of the Republic of Korea the temporary arrangements outlined in the Record of Understandings, and to agree that the Department of State's note and this note in reply shall constitute an agreement between the two Governments which will enter into force on the date of this note in reply and shall remain in force through June 30, 1992.

Enclosure: Record of Understandings

K.H. Chang

Washington, D.C.
August 7, 1991

RECORD OF UNDERSTANDINGS

Representatives of the United States and the Republic of Korea agree to the following temporary arrangements through June 1992:

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- c) The visiting officials may verify compliance with driftnet fishing regulations, remove any anadromous species on board, document incidental catches of marine mammals, seabirds, and anadromous species, and take representative samples of those resources.
- d) Officials of the party conducting the visit and verification shall take all reasonable measures to ensure a minimum of interference to legitimate fishing operations of the driftnet vessel. The officials will conduct their operations in accordance with applicable rules of international law and practice.
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- f) If the officials of the other party do not arrive before the officials of the requesting party complete the visit and verification, the authorities of the requesting party will notify promptly the authorities of the other party of the results of the visit and verification and will consult with the authorities of the other party regarding the disposition of the violations detected.
- g) When no violation is detected as a result of the verification activities, the visiting officials shall immediately withdraw from the vessel.
- h) The appropriate authorities will ensure that the visit and verification procedure for driftnet vessels will also apply to all transport vessels.