

AGREEMENT ON FISHERIES BETWEEN  
THE GOVERNMENT OF TUVALU AND  
THE GOVERNMENT OF JAPAN

The Government of Tuvalu and the Government of Japan,

Considering their common concern for the rational management, conservation and optimum utilization of fishery resources of the sea around Tuvalu,

Recognizing that the Government of Tuvalu has established a zone of 200 nautical miles in accordance with the Fisheries Ordinance of 1978, within which it exercises sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources in accordance with international law (hereinafter referred to as "the Tuvalu zone"),

Taking into account the adoption of the United Nations Convention on the Law of the Sea,

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

Affirming their wish to cooperate in the field of fisheries thereby enhancing friendly relations between Tuvalu and Japan,

Have agreed as follows:

#### ARTICLE I

The Government of Tuvalu undertakes to permit fishing vessels of Japan to fish within the Tuvalu zone in accordance with the relevant laws and regulations of Tuvalu in relation to fisheries and this Agreement.

#### ARTICLE II

The Government of Tuvalu and the Government of Japan shall hold consultations from time to time concerning fishing by nationals and fishing vessels of Japan within the Tuvalu zone and regarding the implementation of this Agreement.

#### ARTICLE III

1. The Government of Tuvalu may determine each year, taking into account the consultations with the Government of Japan referred to in Article II of this Agreement and on the basis of the best available scientific evidence, regulatory measures with respect to the conduct of fishing by nationals and fishing vessels of Japan within the Tuvalu zone.

2. The Government of Tuvalu shall notify the Government of Japan of the determinations referred to in paragraph 1 of this Article on a timely basis.

#### ARTICLE IV

The Government of Tuvalu shall issue licences, in accordance with the relevant laws and regulations of Tuvalu in relation to fisheries in the Tuvalu zone and upon receipt of fees, to permit fishing vessels of Japan to engage in fishing within the Tuvalu zone.

#### ARTICLE V

The Government of Japan shall take measures, in accordance with the relevant laws and regulations of Japan, to ensure that:

(a) fishing vessels of Japan shall not engage in fishing within the Tuvalu zone, unless licensed pursuant to Article IV of this Agreement; and

(b) nationals and licensed fishing vessels of Japan engaging in fishing within the Tuvalu zone comply with the provisions of this Agreement and with the terms and conditions of the licences.

#### ARTICLE VI

1. In cases of arrest or seizure by the authorities of Tuvalu of nationals or fishing vessels of Japan, notification shall be given promptly informing the Government of Japan of the action taken.

2. Arrested nationals of Japan and seized fishing vessels of Japan shall be promptly released, subject to reasonable bond or other security.

#### ARTICLE VII

The Government of Tuvalu may impose reasonable fines in accordance with the relevant laws on nationals and fishing vessels of Japan which do not comply with the provisions of this Agreement.

#### ARTICLE VIII

The Government of Tuvalu and the Government of Japan shall promote the objective of conservation and optimum utilization of tuna and tuna-like species of the Pacific Ocean both within and beyond the Tuvalu zone.

#### ARTICLE IX

Subject to the availability of facilities and the needs of Tuvalu vessels, the Government of Tuvalu undertakes to authorize, in accordance with the relevant laws and administrative requirements of Tuvalu, fishing vessels of Japan to enter the port of Funafuti for the purpose of obtaining supplies and services, repairing their vessels and fishing gear, shipping or discharging their crew, and for other reasonable purposes.

#### ARTICLE X

Nothing in this Agreement shall be deemed to affect other existing international agreements on the conservation of fishery resources to which Tuvalu and Japan are parties and to prejudice the views or positions of either Government in regard to any question of the

law of the sea related to the United Nations Convention on the Law of the Sea.

#### ARTICLE XI

In the event of any dispute arising as to the interpretation or application of any of the provisions of this Agreement, the Government of Tuvalu and the Government of Japan shall endeavour to settle it by consultations between themselves to be commenced as soon as practicable after the receipt by either party of a formal request from the other for the opening of such consultations.

#### ARTICLE XII

1. This Agreement shall enter into force on the date of signature.
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 written 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 *Suva* this *second* day of *June* 1986, in duplicate in the English language.

FOR the Government  
of Tuvalu:

FOR the Government  
of Japan:

