


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: November 28, 1989

SUBJECT: International Fisheries

**ACTION REQUIRED**

Receive status report on high seas fisheries negotiations and plans for further action.

**BACKGROUND**

Salmon Interceptions. In September I reported that the State Department had successfully negotiated and signed high seas fishing agreements with Japan, Taiwan, and South Korea with regard to area restrictions, the required use of satellite transponders, and deployment of observers. Since then, Congress and the United Nations have deliberated on the high seas driftnet issue with a proposed ban on the use of this gear being added to draft Magnuson Act amendments and introduced as an international resolution. The proposed Magnuson Act amendment would require the Secretary of State to seek and secure as soon as possible an international ban on large scale driftnet fishing on the high seas. A report would be prepared that would describe the steps the Secretary would take with periodic progress reports and recommendations for legislative action should nations not wish to comply. The U.N. resolution calls for a global ban on high seas driftnet fishing by June 30, 1992. Senator Stevens recently wrote an opinion article on the U.N. proposal, included in your notebooks as item C-2(a). Final approval of both the Congressional and U.N. proposals is still required.

GIFAs. Since the last Council meeting, Congress has approved extending the Governing International Fishery Agreement (GIFA) with Japan until December 31, 1991. The GIFA is currently awaiting signature by the President. The current GIFA with the People's Republic of China is scheduled to expire on July 1, 1990, unless extended.

Item C-2(b) is a summary of activities on the international front since the beginning of the year.

For 1990, several meetings have already been scheduled:

January 23 (tentative): U.S./U.S.S.R. to continue the discussion of multilateral conservation regimes for pollock and salmon. Meeting Location: Washington, D.C.

January 29-February 1: International Pacific Halibut Commission Meeting. Meeting Location: Seattle.

February 5-9: Pacific Salmon Commission Meeting. Meeting Location: Vancouver, B.C.

PICES. The latest draft of the PICES Convention is under item C-2(c) and comments from the People's Republic of China are under C-2(d). Does the Council have recommendations for the drafting group?

# United Nations considers driftnet ban

by Sen. Ted Stevens  
for the Tundra Times

WASHINGTON, D.C. — It's a great feeling to see others take notice after you've plugged away at a problem for a long time.

That happened Nov. 3 at the United Nations when a proposed international moratorium that Sen. John F. Kerry, D-Mass., and I requested on the use of driftnets was — in U.N. parlance — "officially inscribed." We are the senior members of the Senate's National Ocean Policy Study.

It's the first step, and an important one, toward ending the use of plastic driftnets in our oceans.

Now that the resolution is before the U.N., the problem will receive international attention. Alaskans, and particularly Alaskans in the fishing industry, won't be fighting this battle alone.

For some years I have joined Alaskans and the fishermen of the North Pacific in calling for a ban on the use of plastic driftnets in the North Pacific. Two years ago Congress passed legislation that I sponsored, condemning the use of high seas driftnets.

Just this past summer, our government signed one-year monitoring and enforcement agreements with Japan, Taiwan and Korea as a result of that legislation.

That was progress. But it has become increasingly clear that we must act as a community of nations to end this scourge. One nation can't do it alone.

The United Nations' approval of the resolution would place international pressure on our government to continue efforts to end driftnet fishing. Such approval would alert the world to the devastation caused by the plastic nets by all nations allowing their use.

Alaskans understand the devastating effects of plastic driftnets on our marine life, our seabirds and our marine mammals.

## OPINION

Made of monofilament mesh, a single driftnet can stretch as long as 30 miles, hanging vertically in the water to a depth of 40 feet.

On any given day, as many as 30,000 miles of plastic net are set out by foreign fishing vessels. The nets are designed to harvest fish efficiently, and these nets are essentially non-biodegradable. So they become instead giant curtains of death for our marine resources.

Ghost nets, those set adrift or lost from vessels, float for decades, snagging every bird, every mammal, every bit of marine life in their paths.

Yet, the use of plastic driftnets by some nations has grown at an incredibly fast pace, with no regard to the loss of marine resources.

Salmon spawned in Alaska's waters have been lost by the millions to plastic driftnets before they can migrate to their home rivers and streams. Marine life of all species has been lost to the world — not just to Alaska — also by the millions.

There is no doubt that driftnets are the greatest threat to the world's marine resources in existence today.

What makes this proposed U.N. resolution even more significant is that for the first time our administration has gone on record in opposition to the use of high seas driftnets.

Over the past month I have had a series of talks with Secretary of State Jim Baker to discuss the production of this resolution.

As a first step Kerry and I worked

with our ambassador to the U.N., Thomas Pickering, to circulate a draft resolution in the U.N. It was met with interest. South Pacific nations, including New Zealand and Australia, whose fisheries are threatened, have added their requests for the moratorium.

Basically, the two-page document expresses serious concern that, in addition to targeted species, non-targeted species of marine life — including

It calls on all those involved in plastic driftnet fishing to cooperate in collecting scientific data on the impact of such fishing methods, recommending a review by the member nations by June 30, 1991.

The effective date gives those nations which have already signed agreements with us the time to carry out their commitments. Their efforts could serve as a model for all the nations involved.

*Salmon spawned in Alaska's waters have been lost by the millions to plastic driftnets before they can migrate to their home rivers and streams. Marine life of all species has been lost to the world — not just to Alaska — also by the millions.*

those on the endangered list become entangled and die in place. The resolution recommends a moratorium on high seas driftnet fishing begins by June 30, 1991. It would remain in place until the nations could agree that the use of such practices has been prevented.

It further states that the moratorium would be in effect until the production of the world's marine resources could be sustained.

Through the cooperation of the fishermen of the North Pacific, the members of the Senate's National Ocean Policy Study and the administration, we have come a long way toward solving the problem.

We're closer than ever to ending this crisis. U.N. approval of the moratorium would reinforce the growing global awareness that every one of us must be a responsible steward of the oceans' riches.

Alaskans, more than most, understand that fact.

NORTH PACIFIC FISHERIES  
INTERNATIONAL ACTIVITIES - 1989

- Dec. 8: Conclusion of debate on driftnet resolution in 44th U.N. General Assembly.
- Nov. 28: U.S.-Soviet Bering Sea Fisheries Advisory Body met for the first time in Seattle to review, develop and report back to the U.S.-U.S.S.R. Intergovernmental Consultative Committee on Fisheries on possible fishery conservation and management options for pollock in the Central Bering Sea.
- Nov. 23: 21st Bilateral Meeting of U.S.-Soviet Scientists took place in Seattle to exchange data on salmonid and groundfish resources and to review ongoing research efforts in the North Pacific and Bering Sea.
- Nov. 16: U.S.-Soviet Drafting Group in Moscow finished draft new North Pacific salmon convention. The two sides arrived at a text for the preamble, articles, and annex of the new Convention which will be submitted to the U.S.-U.S.S.R. Intergovernmental Consultative Committee on Fisheries in early 1990.
- Nov. 10: 36th Annual INPFC meeting ended without negotiation of converting Japanese mothership fleet to landbased operations. The U.S. Tied this issue to 1990 programs for the other Japanese driftnet fleets and deferred negotiations to early 1990. Also at the INPFC meeting a driftnet working group was established to look at modified or alternate technologies.
- Nov. 6: U.N. Resolution on Driftnets introduced by U.S. and ten other sponsors. Among other things, the resolution recommended a global moratorium on high seas driftnetting by June 30, 1992 unless its unacceptable effects can be avoided. Japan introduced a competing resolution calling for more study and a moratorium only if the evidence warrants.
- Oct. 2: Korea-U.S. Driftnet Agreement finalized with exchange of letters between the two governments.
- Sept. 28: Advisory Body to U.S. Section of INPFC met in Anchorage, Alaska to discuss probable issues to be discussed during upcoming INPFC meeting.
- Sept. 22: U.S.-U.S.S.R. Intergovernmental Consultative Committee met in Leningrad. The two sides reached agreement in principles on the terms of a new salmon organization and agreed to establish a Bering Seas Fisheries Advisory Body (BSFAB). The two sides agreed to meet again in early 1990 before expanding discussions to include other states of origin. The first meeting of BSFAB was tentatively scheduled for later in 1989.
- Sept. 9: U.S.-Soviet Salmon Scientists met in Yuzhno-Sakhalinsk to review data from continent-of-origin salmon studies and to exchange salmonid scale samples from various rivers systems.

- Sept. 7: Korea-U.S. Driftnet Agreement concluded in principle. This agreement provided, among other things, for 13 U.S. and 13 Korean observers on 26 Korean vessels in 1990, satellite transmitters on all Korean vessels by 1990, and boarding and inspection of Korean vessels by U.S. enforcement personnel. This ad referendum agreement was then subject to review by both governments before being finalized.
- Aug. 28: President deferred sanctions under the Driftnet Act for an additional 30 days to allow for conclusion of negotiations currently underway with Korea.
- Aug. 24: AIT-CCNAA Driftnet Agreement finalized with exchange of letters. AIT is the American Institute in Taiwan, a private, non-profit organization representing the American people. CCNAA is the Coordination Council for North American Affairs, a private organization representing the authorities on Taiwan.
- July 18: Six salmon smugglers arrested in a sting operation involving at least 5 Taiwanese driftnet vessels delivering 500 mt of salmon for \$1.3 million. The Coast Guard pursued one vessel, the SUNG CHING, until a Taiwan patrol vessel took it into custody. In a joint boarding, 10 metric tons of salmon were discovered aboard the vessel. This and the salmon from another vessel involved in the sting were subsequently destroyed by the authorities on Taiwan. The licenses of both captains and vessels were permanently revoked.
- June 30: AIT-CCNAA Driftnet Agreement reached in principle. Among other things, the agreement provided for satellite transmitters on all Taiwan vessels by 1990, boarding and inspection of Taiwan vessels by U.S. enforcement personnel, and statistically reliable data in 1990. This ad referendum agreement was then subject to review by AIT and CCNAA before being finalized.
- June 29: Korea and Taiwan certified under the Driftnet Act, making them possibly subject to sanctions under the Pelly Amendment. The President had 60 days in which to report what, if any, sanctions would be imposed on Taiwan and Korea. Japan was not certified due to the agreement reached 3 days earlier.
- June 26: Japan-Canada-U.S. Driftnet Agreement finalized with exchange of letters clarifying commitment to use of satellite transmitters and acquiring statistically reliable data in the future.
- June 5: TA CHIEH filmed driftnetting for salmon. At the request of the authorities on Taiwan, the Coast Guard escorted the vessel to Midway. The authorities on Taiwan later revoked the vessel's license for six months and the captain's license for one year.
- June 2: Korea-U.S. Driftnet Negotiations in Washington D.C. ended without agreement.
- May 23: AIT-CCNAA Driftnet Negotiations in Washington ended without agreement.
- May 12: North Pacific and Bering Sea Fisheries Advisory Body met in Seattle to discuss the structure of a new North Pacific salmon organization and an international advisory body for the Bering Sea. These recommendations formed the basis for proposals made later to the Soviet Union.

- May 11: Conference call between Brennan, NPFMC and PFMC members on Japan driftnet agreement.
- May 9: Soviet trawler NOVOELNYA seized in US EEZ with 2 million pounds of pollock onboard. Escorted to Kodiak.
- May 2: Japan-Canada-U.S. Driftnet Negotiations in Tokyo ended with agreement in principle on cooperative monitoring and enforcement programs for 1989. Among other things, the agreement provided for 32 Japanese and 14 North American observers aboard 32 commercial vessels, and a doubling of Japanese enforcement effort. Due to the late date, Japan abandoned its plans to convert its mothership salmon fishery to landbased operations. This ad referendum agreement was then subject to review by both governments before being finalized.
- Apr 27/May 2: Driftnet negotiations in Tokyo by U.S., Canada and Japan. Agree on trilateral scientific observer program for the northern squid driftnet area, modifications in regulations for large-mesh fisheries, increased patrol efforts, higher penalties and the rapid reporting of data. Did not agree on accepting real-time satellite position fixing devices for 1989. Japan may except satellite transmitters in 1990.
- April 20: State Department cables Moscow to plan next meeting of US-Soviet Intergovernmental Consultative Committee on Fisheries for late May or early June in Moscow. Two main agenda items are salmon and donut issues.
- April 18: Coast Guard follows Taiwanese squid boat, TYI YANG NO. 1. Found 450 miles from legal fishing waters.
- April 17: CHI YANG sighted fishing illegally in closed area. With the permission of the Taiwan authorities, the Coast Guard boarded and inspected the vessel but found only impressions of salmon, some 1200 scales and a fin. Taiwan later revoked permanently the captain's and vessel's licenses.
- April 12: Salmon smuggling indictments handed down against 22 individuals from U.S., Japan and Taiwan. They were charged with smuggling 1.5 million pounds of Pacific salmon through San Francisco to Japan.
- April 10: State Department submits bill to amend the North Pacific Fisheries Act of 1954 to allow the Japanese back into the US EEZ to fish for salmon until June 9, 1991. Normal season for Japanese is June 10 to July 31.
- April 3: Japan-Canada-US discussions in Washington, DC.
- Feb. 27/Mar. 1: Japan-Canada-US trilateral in Sidney, B.C. Japan requested these further talks on their proposals to amend the INPFC treaty annex to restore fishing in US EEZ and switch to landbased fishery. If Japan cannot fish in EEZ, they want fishery outside the EEZ under pre-1986 agreement, contending that since Japan agreed to amend the treaty in exchange for access to the US EEZ, the denial of such access should also result in cancelling other aspects of the agreement. Japan threatens unilateral action to fish in pre-1986 areas if new proposals are not approved. US contends that conversion to a landbased fishery would be acceptable only if Japan agrees to implement an adequate monitoring and enforcement program for the converted salmon and squid fisheries. The Japanese are considering adoption of a squid driftnet

monitoring and enforcement provision and agree to trilateral meeting in Tokyo in March.

- Feb. 6-10: US-USSR Intergovernmental Consultative Committee on Fisheries holds first meeting. US-Soviet Advisory Body also meets. US and USSR delegates sign agreement on February 9 that: (1) recognizes that salmon fishing outside EEZs is wasteful and irrational; (2) there should be no salmon harvest outside EEZ unless under international agreement; (3) both countries will work toward multilateral agreements to conserve and manage salmon outside EEZs and exchange information on harvests, sale, purchase, or transport of illegal salmon, and conduct cooperative enforcement; (4) they will form a working group of experts to enhance conservation and management measures including cooperative enforcement. On Donut they agree that harvest of pollock is detrimental to EEZ stocks and specific measures would be considered to control the harvest. They review progress on commercial ventures and agree to facilitate the establishment of contacts, to exchange data on salmonids, groundfish and crab, to exchange scientists to conduct research on stocks of mutual interest, and to hold the next meeting in the near future in the USSR. They also agree to hold a symposium on Pacific Salmon Biology in the near future in the Soviet Union.
- Feb. 1-3: US-Taiwan driftnet discussions in Washington, D.C. No tangible progress. Taiwan refuses to take observers on commercial vessels or allow at-sea boardings by US enforcement personnel because of sovereignty issues. Taiwan indicates they are working at closing markets for illegal salmon and that at-sea enforcement is not needed. US side warns that unless an agreement is reached by June 29, 1989, the Secretary of Commerce would have to certify that Taiwan had failed to meet the requirements of the Pelly Amendment which could lead to restrictions on fish imports from Taiwan (valued at \$400 million in 1988).
- Jan. 27-28: Council Chairmen's meeting. Chairmen adopt proposed Magnuson Act amendment on salmon interceptions.
- Jan. 16: North Pacific and Bering Sea Fisheries Advisory Body meets for first time.
- Jan. 16-19: Council meets. Status reports on international fisheries. Council recommends amending Magnuson Act by adding new purpose to eliminate interception of US anadromous salmon and steelhead beyond the EEZ.



United States Department of State

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

Washington, D.C. 20520

November 13, 1989

MEMORANDUM

TO: Distribution

FROM: OES/OA - William *EWB*

SUBJECT: Revised Draft PICES Convention

Further to Ed Wolfe's Memo to you of October 24, I enclose herewith a copy of the revised draft PICES Convention which has been prepared by the Canadian Department of Fisheries and Oceans (DFO). A DFO official has stated that the new draft looks like a complete re-write of the November 1988 draft but it is not; the change in appearance is due to streamlining. We have not yet analyzed the new draft.

In order to assist us in preparing for the December PICES Drafting Group session, please send your comments and suggestions concerning the new draft no later than COB Friday, November 24.

As indicated in Ed's Memo, comments should be sent to Bill Sullivan by E-mail (STATE.DEPT/OMNET) or fax (202-647-1106) with a copy to Warren Wooster by E-mail (W.WOOSTER/OMNET) or fax (206-543-4385).

Distribution

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REVISED DRAFT ARTICLES

INTERNATIONAL NORTH PACIFIC OCEAN MARINE SCIENCE ORGANIZATION

PREAMBLE

THE CONTRACTING PARTIES,

RECOGNIZING the need for improved scientific understanding of the North Pacific Ocean and its resources;

AWARE that due to the vast expanse of the North Pacific Ocean, scientific understanding of the area can best be achieved through a spirit of international scientific cooperation on a mutually beneficial basis;

DESIRING to establish an appropriate intergovernmental organization to promote and facilitate marine scientific cooperation and avoid duplication of effort;

ACKNOWLEDGING that the organization must be based on the principles of international law of the sea with regard to marine scientific research;

HAVE AGREED as follows:

CHAPTER I: GENERAL PROVISIONS

Article I

Territorial Application of the Convention

The area to which this Convention applies, hereinafter referred to as the "Convention Area", shall be the temperate and sub-Arctic waters of the northern North Pacific Ocean and its adjacent seas, located approximately from 30 degrees North Latitude to the Bering Strait.

Article II

No Prejudice to Sovereignty, Legal Positions or Research

Nothing in this Convention shall be deemed to prejudice or in any way affect a Contracting Party's:

- (a) sovereignty or jurisdiction over its internal waters or territorial sea;



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- (b) positions with respect to the law of the sea; or
- (c) national research programs.

**CHAPTER III: INSTITUTIONS**

**Article III**

**Establishment of the Organization**

The Contracting Parties hereby establish the International North Pacific Ocean Marine Science Organization, hereinafter referred to as the "Organization".

**Article IV**

**Purpose of the Organisation**

The purpose of the Organization shall be:

- (a) to promote and coordinate marine scientific research in order to advance scientific knowledge of the Convention Area, including research with respect to the ocean environment and its interactions with land and atmosphere, its role in and response to global weather and climate change, its flora, fauna and ecosystems, its uses and resources, and its contamination from human activities; and
- (b) to promote the collection and exchange of information and data related to marine scientific research in the fields referred to in paragraph (a).

**Article V**

**Membership in the Organisation**

1. The founding members of the Organization are Canada, Japan, the Peoples' Republic of China, the Union of Soviet Socialist Republics, and the United States of America.
2. The Contracting Parties may invite any other State able to contribute to scientific understanding of the Convention Area to become a party to this Convention.

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Article VI

Structure of the Organization

The Organization shall consist of:

- (a) a Governing Council (the "Council");
- (b) such permanent or ad hoc scientific groups and committees as the Council may establish from time to time; and
- (c) a Secretariat.

Article VII

Functions of the Governing Council

The functions of the Governing Council shall be, inter alia,

- (a) to identify research problems pertaining to the Convention Area, as well as appropriate methods for their solution;
- (b) to develop and coordinate research programmes and related activities pertaining to the Convention Area, which shall be undertaken through the national efforts of the Contracting Parties;
- (c) to develop and, if necessary, to amend the Rules of Procedure of the Organization;
- (d) to propose amendments to the Convention;
- (e) to adopt the annual report of the Organization;
- (f) to examine and adopt the annual budget of the Organization;
- (g) to examine and discuss reports prepared by committees and ad hoc groups;
- (h) to take such other decisions as may be necessary or desirable to enable the Organization to carry out its activities efficiently and effectively;
- (i) to consider requests from Contracting Parties to develop scientific advice pertaining to the Convention Area; and
- (j) to maintain contact with other scientific organizations.

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Article VIII

Composition and Procedures of the Governing Council

1. Each Contracting Party shall be a member of the Council and shall appoint to the Council not more than two delegates, who may be accompanied at any Council meeting by alternates, experts and advisers.
2. The Council shall elect a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years. The Chairman and Vice-Chairman shall be representatives of different Contracting Parties, and during their terms shall cease to be part of their respective national delegations.
3. The Chairman of the Council shall convene a regular annual meeting of the Organization. The annual meetings shall be hosted by the Contracting Parties on a rotational basis, unless otherwise decided by the Council.
4. Any meeting of the Council, other than the annual meeting, shall be called by the Chairman at such time and place as the Chairman may determine, upon the request of a Contracting Party and with the concurrence of a majority of Contracting Parties.
5. A quorum of five Contracting Parties shall be required to conduct a meeting of the Council.
6. The Council may invite other States, organizations, and experts to attend its meetings as observers, or to participate in any activities of the Organization.

Article IX

Decision Making in the Governing Council

1. Each Contracting Party shall have one vote in the proceedings of the Council.
2. The Council shall make every effort to take decisions on the basis of consensus. For the purpose of this Convention, consensus means the absence of a formal objection.
3. If all efforts at consensus have been exhausted, and no agreement has been reached, decisions of the Council may be adopted by a three-quarters majority vote of the Contracting Parties present and voting.
4. Notwithstanding paragraph 3, consensus shall be required for the following:

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- (a) the establishment of ad hoc scientific groups and committees;
- (b) the appointment of an Executive Secretary;
- (c) the adoption of the annual budget of the Organization; and
- (d) the amendment of this Convention.

Article X

The Secretariat

1. The functions of the Secretariat shall be:
  - (a) to implement the decisions of the Council;
  - (b) to make all necessary arrangements for meetings of the Council, including the preparation of the agenda, documentation, and summary record of the Council's annual meeting;
  - (c) to conduct the routine intersessional work of the Council;
  - (d) to facilitate the exchange of information among Contracting Parties;
  - (e) to prepare the annual report and budget of the Organization for presentation to the Council; and
  - (f) to perform any other function as may be entrusted to it by the Contracting Parties.
2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by, and shall report to, the Council. The Executive Secretary shall appoint the staff of the Secretariat.
3. The Council shall determine the location of the Secretariat.
4. The Council may establish such rules and procedures as it deems appropriate with regard to the matters enumerated in paragraphs 2 and 3.

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Article XI

Financial Provisions

1. The Council shall adopt an annual budget for the Organization.
2. Each Contracting Party shall contribute equally to the annual budget. Contributions shall be paid in the currency of the State in which the Secretariat is located, and shall be paid in full by the end of the third month of each calendar year.
3. The Council shall consider at its annual meeting the failure of any Contracting Party to discharge its obligations under paragraph 2.
4. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.
5. The Council shall pay the expenses of the Chairman, the Vice-Chairman and the Secretariat to attend its meetings.

CHAPTER III: MISCELLANEOUS PROVISIONS

Article XII

Working Language

The working language of the Council shall be English.

Article XIII

Legal Status of the Organisation

The Organization shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article XIV

Privileges and Immunities

1. The Organization shall enjoy in the territory of each of the Contracting Parties such privileges and immunities as are necessary for the exercise of its functions and the fulfilment of its purposes.
2. Delegates of the Contracting Parties to the Council, together with their alternates and advisers, members of the ad hoc scientific groups and committees established by the Council,

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the Executive Secretary and the staff of the Secretariat shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

Article XV

Signature

This Convention shall be open for signature on (day, month, year) at (place).

Article XVI

Ratification, Acceptance or Approval

1. This Convention shall be subject to ratification, acceptance or approval of the Signatory States.
2. Instruments of ratification, acceptance or approval shall be deposited with the Government of \_\_\_\_\_, which is hereby designated as the Depository Government.

Article XVII

Accession

1. After this Convention enters into force, it shall be open to accession by the Governments of other States, with the consent of all existing Contracting Parties pursuant to Article V(2).
2. Accession shall be effective 60 days after the deposit with the Depository Government of an instrument of accession.

Article XVIII

Entry into Force

This Convention shall enter into force 60 days after the deposit with the Depository Government of the (fourth\ fifth) instrument of ratification, acceptance, approval or accession.

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Article XIX

Amendment

1. Any Contracting Party may propose amendments to this Convention to be considered by the Council at an annual or a special meeting. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be considered, and the Executive Secretary shall immediately transmit the proposal to all Contracting Parties.

2. The text of any amendment adopted by the Council shall be transmitted by the Depositary Government to all Contracting Parties.

3. An amendment shall be effective 60 days after the deposit with the Depositary Government of the instruments of ratification, acceptance or approval by all Contracting Parties.

Article XX

Withdrawal

1. A Contracting Party may withdraw from this Convention at any time by giving written notice of withdrawal to the Depositary Government. The withdrawal shall be effective one year after receipt of the notice of withdrawal by the Depositary Government.

2. A Contracting Party which has withdrawn from the Convention shall be refunded a percentage of its annual contribution to the Council's budget. The percentage refunded shall be proportionate to the number of months remaining in the calendar year during which the withdrawal takes effect.

Article XXI

Termination

1. This Convention shall be terminated upon the withdrawal of three of the Contracting Parties listed in Article V(1).

2. The effective date of termination shall be one year after the deposit with the Depositary Government of the number of withdrawals required to terminate the Convention in accordance with paragraph (1).

3. In the event of the termination of this Convention:

- (a) the Council shall continue in being for such time as may be required to carry out the liquidation of

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the Organization, and shall have such powers and exercise such functions as may be necessary for those purposes; and

- (b) work in progress at the time of termination shall be completed, unless otherwise decided by the Council.

ARTICLE 102

Authentic Texts, Certified Copies and Registration with the United Nations

1. The original of the present Convention, in the Chinese, English, French, Japanese, and Russian languages, each version being equally authentic, shall be deposited with the Depository Government, which shall transmit certified copies thereof to all of the signatories and Contracting Parties.
2. The Depository Government shall transmit a certified copy of this Convention to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Convention.

DONE at (                      ), this (     ) day of (                      ),  
1990.





## United States Department of State


*Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

November 14, 1989

MEMORANDUM

TO: Distribution

FROM: OES/OA - William L. Sullivan Jr. 

SUBJECT: PRC Comments on PICES Draft Convention

I enclose for your information a copy of the comments by the People's Republic of China on the November 1988 draft PICES Convention. The comments are solely in the form of a draft preamble and articles. The Canadian Department of Fisheries and Oceans (DFO) did not receive comments from either Japan or the Soviet Union.

*Comments from China on Draft*

AGREEMENT FOR AN INTERNATIONAL NORTH  
PACIFIC OCEAN MARINE SCIENCE COUNCIL (DRAFT)

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PREAMBLE

THE CONTRACTING PARTIES,

RECOGNIZING the importance of the living resources of the North Pacific Ocean and the need for better scientific understanding of the resources in order to conserve as well as rationally use its living resources

BEING AWARE OF the vastness of the North Pacific Ocean and the scientific questions which involve climatology, oceanography and fisheries science; and the necessity to begin an international cooperation in the northern area of North Pacific Ocean;

DESIRING to establish an appropriate intergovernmental scientific mechanism on the basis of principles of the international law of the sea while avoiding duplication of efforts with other organizations.

HAVE AGREED as follows:

ARTICLE I

SCOPE OF APPLICATION

1. The area in which this Agreement applies shall be waters north of 30° North Latitude of the North Pacific Ocean, it's also applicable in the nearby waters south of 30° North Latitude if it is necessary to the activities of scientific research;
2. Nothing in this Agreement shall be deemed to affect or prejudice the sovereignty or jurisdiction of any Contracting Party in regard to the internal waters and the territorial sea; or to affect or prejudice the views or positions of any Contracting Party with respect to the law of the sea;
3. Nothing in this Agreement shall be deemed to affect or prejudice the dominion of marine science research program of any Contracting Party itself.

ARTICLE II

PURPOSE AND STRUCTURE OF THE COUNCIL.

1. The Contracting Parties agree to establish and maintain the International North Pacific Ocean Marine Science Council, hereinafter referred to as " Council " ;
2. The purposes of Council shall be to promote the coordination and development of the North Pacific Ocean marine scientific research; to promote the collection and exchange of information and data in the fields of fisheries science, oceanography and climatology; to promote the training and exchanging of scientific and technical personnel; and to advance the scientific understanding of the agreed waters among the coast countries of North Pacific Ocean.
3. The Council shall consist of:
  - (a) a Council's plenary session;
  - (b) such permanent or ad hoc scientific groups and commissions as the Council considers necessary and unanimously

agreed by the Council Plenary Session; and  
(c) a Secretariat.

## ARTICLE III

### COUNCIL'S PLENARY SESSION

1. Functions of Plenary Session:
  - To discuss the report proposed by the permanent or ad hoc committees;
  - To draft and coordinate research or investigation programmes and activities which shall be done by the member countries;
  - To identify key research problems and methods appropriate for their solution;
  - To examine and approve the financial budget and final accounts;
  - To discuss other matters involved in this Agreement;
2. The Council shall meet once a year in plenary session and at such other times as may be requested by a majority of member countries;
3. Generally, each member country shall in rotation serve as the annual meeting host country, unless the Council decides otherwise. Each member country shall in rotation be the Council chairman whose term of office shall start when he is elected at the plenary session and end when a new chairman is elected at the next session;
4. Council will formulate a regulation, and put it into practice after receiving agreement from all member countries.

## ARTICLE IV

### MEMBERSHIP

1. The founding members of the Council shall be Canada, the People's Republic of China, Japan, the Union of Soviet Socialist Republics and the United States of America;
2. The coast countries within the scope of application may become the member of the Council after their application has been, by consensus, approved by Council Plenary Session;
3. Council can, by consensus, invite other countries, organizations and experts as an observer to attend the Council meetings or other activities.

## ARTICLE V

### REPRESENTATION AND VOTING

1. Each member country shall appoint alternates, experts and advisers to attend the Council Plenary Session;
2. Each member country shall have only one vote;
3. Decisions of the Council Plenary Session shall, except where otherwise provided in this Agreement, be arrived at by a simple majority consensus of the member countries participating at the session; And the decisions shall be no binding on those who are against the decisions;
4. A quorum of 5 member countries shall be required for the Council to conduct its meetings.

## ARTICLE VI

- the Depository;
2. This Agreement shall enter into force on the 90th day after the date of the deposit with the depository of the fifth instrument of ratification, acceptance or approval by the five founding members.

#### ARTICLE XI

##### ACCESSION

The accession of other states within the scope of this agreement shall be approved by the Plenary Session of the Council. Accession shall be effected on the 90th day after the date of the deposit of an instrument of accession with the Depository.

#### ARTICLE XII

##### AMENDMENTS

Any amendments to this Agreement shall be approved by consensus of the five founding members; A proposed amendment to this Agreement shall take effect on the 90th day after approval.

#### ARTICLE XIII

##### DENUNCIATION

A member country may denounce this Agreement at any time by a written notification addressed to the Depository. Such denunciation shall take effect for the party concerned six months after the date of receipt of notification by the Depository.

#### ARTICLE XIV

##### NO LONGER IN FORCE

The Agreement shall be no longer in force six months after the date of the denunciation of the third founding member to this Agreement.

#### ARTICLE XV

##### AUTHENTIC TEXTS

The Chinese, English, French and Russian texts of this Agreement are equally authentic.

#### ARTICLE XVI

##### DEPOSITORY

1. The Government of Canada shall be the Depository of this Agreement;
2. The Depository shall register the present Agreement with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

Done At ( ), this( )day of( ) month, one thousand nine hundred and eighty-nine.

## SECRETARIAT

3

1. The functions of the Secretariat,
  - a. to be responsible for the intersessional routine work of the Council;
  - b. to organize the implementation of the decisions of the Council Plenary Session;
  - c. to be responsible for connection and information exchange among member countries;
  - d. to prepare the Council Plenary Session;
  - e. to prepare an annual budget, final accounts and an annual report for approval in the Council Plenary Session;
  - f. to carry out other works assigned by the Council;
2. The Council shall, by consensus, appoint an executive secretary. The staff of the Secretariat shall be appointed by the executive secretary in accordance with such rules, procedures and requirements determined by the Council;
3. The Secretariat shall be established in Canada.

## ARTICLE VII

## FINANCES

1. Member countries shall contribute shares on UN-scale toward the annual budget adopted by the Council Plenary Session at the annual meeting. Such shares shall be payable to the Council in the currency of the country in which the Secretariat resides at the prevailing currency exchange rates;
2. Each member country shall pay the expenses of its delegates, experts and advisers to attend meetings of the Council;
3. Expenses of the Secretariat and the chairman of the Council to attend official meetings shall be covered by the Council.

## ARTICLE VIII

## LANGUAGE

English shall be the working language of the Council.

## ARTICLE IX

## LEGAL CAPACITY

1. The Secretariat may enjoy, in the territories of the member countries, such legal capacity as may be agreed between the Council and the Government of the member country concerned;
2. The Council, delegates and experts, the executive secretary and other officials shall enjoy, in the territories of the member countries, such privileges and immunities, necessary for the fulfilment of their functions as may be agreed between the Council and the Government of the member country concerned.

## ARTICLE X

## SIGNATURE AND ENTRY INTO FORCE

1. This Agreement shall be open for signature of the five founding members on (date) (month) (year) at (the place where this Agreement is done) or at the Ministry of Foreign Affairs of Canada. The Agreement is subject to ratification, acceptance or approval by the five founding members. And the instrument of ratification, acceptance or approval shall be deposited with