INTER-AMERICAN TROPICAL TUNA COMMISSION

CONVENTION FOR THE STRENGTHENING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION ESTABLISHED BY THE 1949 CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA

("ANTIGUA CONVENTION")

The Parties to this Convention:

Aware that, in accordance with the relevant provisions of international law, as reflected in the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, all States have the duty to take such measures as may be necessary for the conservation and management of living marine resources, including highly migratory species, and to cooperate with other States in taking such measures;

Recalling the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction as provided for in UNCLOS, and the right of all States for their nationals to engage in fishing on the high seas in accordance with UNCLOS;

Reaffirming their commitment to the Rio Declaration on Environment and Development and Agenda 21, particularly Chapter 17, adopted by the United Nations Conference on Environment and Development (1992), and to the Johannesburg Declaration and Plan of Implementation adopted by the World Summit on Sustainable Development (2002);

Stressing the need to implement the principles and standards of the Code of Conduct for Responsible Fisheries adopted by the Conference of the Food and Agriculture Organization of the United Nations (FAO) in 1995, including the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, which forms an integral part of the Code, as well as the International Plans of Action adopted by FAO within the framework of the Code of Conduct;

Taking note that the 50th General Assembly of the United Nations, pursuant to resolution A/RES/50/24, adopted the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks ("the 1995 UN Fish Stocks Agreement");

Considering the importance of fishing for highly migratory fish stocks as a source of food, employment and economic benefits for the populations of the Parties and that conservation and management measures must address those needs and take into account the economic and social impacts of those measures;

Taking into account the special circumstances and requirements of the developing countries of the region, particularly the coastal countries, in order to achieve the objective of the Convention;

Recognizing the significant efforts and the outstanding achievements of the Inter-American Tropical Tuna Commission, as well as the importance of its work in the tuna fisheries in the Eastern Pacific Ocean;

Desirous to benefit from the experiences derived from the implementation of the 1949 Convention;

Reaffirming that multilateral cooperation constitutes the most effective means for achieving the objectives of conservation and sustainable use of living marine resources;

Committed to ensuring the long-term conservation and the sustainable use of fish stocks covered by this Convention;

Convinced that the aforementioned objectives and the strengthening of the Inter-American Tropical Tuna Commission can best be achieved through bringing up to date the provisions of the 1949 Convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission;

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE I. DEFINITIONS

For the purposes of this Convention:

1. "Fish stocks covered by this Convention" means stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area;
2. "Fishing" means:
   (a) the actual or attempted searching for, catching, or harvesting of the fish stocks covered by this Convention;
   (b) engaging in any activity which can reasonably be expected to result in the locating, catching, harvesting of these stocks;
   (c) placing, searching for or recovering any fish-aggregating device or associated equipment, including radio beacons;
   (d) any operation at sea in support of, or in preparation for, any activity described in sub-paragraphs (a), (b) and (c) of this paragraph, except for any operation in emergencies involving the health and safety of crew members or the safety of a vessel;
   (e) the use of any other vehicle, air- or sea-borne, in relation to any activity described in this definition except for emergencies involving the health or safety of crew members or the safety of a vessel;
3. "Vessel" means any vessel used or intended for use for the purpose of fishing, including support vessels, carrier vessels and any other vessels directly involved in such fishing operations;
4. "Flag State" means, unless otherwise indicated:
   (a) a State whose vessels are entitled to fly its flag, or
   (b) a regional economic integration organization in which vessels are entitled to fly the flag of a member State of that regional economic integration organization;
5. "Consensus" means the adoption of a decision without voting and without the expression of any stated objection;
6. Parties" means the States and regional economic integration organizations which have consented to be bound by this Convention and for which this Convention is in force, in accordance with the provisions of Articles XXVII, XXIX, and XXX of this Convention;
7. "Members of the Commission" means the Parties and any fishing entity which has expressed in accordance with the provisions of Article XXVIII of this Convention its formal commitment to abide by the terms of this Convention and comply with any conservation and management measures adopted pursuant thereto;

8. "Regional economic integration organization" means a regional economic integration organization to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters;

9. "1949 Convention" means the Convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission;

10. "Commission" means the Inter-American Tropical Tuna Commission;

11. "UNCLOS" means the United Nations Convention on the Law of the Sea of 10 December 1982;

12. "1995 UN Fish Stocks Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995;

13. "Code of Conduct" means the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations in October 1995;

14. "AIDCP" means the Agreement on the International Dolphin Conservation Program of 21 May 1998.

ARTICLE II. OBJECTIVE

The objective of this Convention is to ensure the long-term conservation and sustainable use of the fish stocks covered by this Convention, in accordance with the relevant rules of international law.

ARTICLE III. AREA OF APPLICATION OF THE CONVENTION

The area of application of the Convention ("the Convention Area") comprises the area of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines:

i. the 50°N parallel from the coast of North America to its intersection with the 150°W meridian;

ii. the 150°W meridian to its intersection with the 50°S parallel; and

iii. the 50°S parallel to its intersection with the coast of South America.

PART II

CONSERVATION AND USE OF THE FISH STOCKS COVERED BY THE CONVENTION

ARTICLE IV. APPLICATION OF THE PRECAUTIONARY APPROACH

1. The members of the Commission, directly and through the Commission, shall apply the precautionary approach, as described in the relevant provisions of the Code of Conduct and/or the 1995 UN Fish Stocks Agreement, for the conservation, management and sustainable use of fish stocks covered by this Convention.

2. In particular, the members of the Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

3. Where the status of target stocks or non-target or associated or dependent species is of concern, the members of the Commission shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new scientific information available.

ARTICLE V. COMPATIBILITY OF CONSERVATION AND MANAGEMENT MEASURES

1. Nothing in this Convention shall prejudice or undermine the sovereignty or sovereign rights of coastal States related to the exploration and exploitation, conservation and management of the living marine

resources within areas under their sovereignty or national jurisdiction as provided for in UNCLOS, or the right of all States for their nationals to engage in fishing on the high seas in accordance with UNCLOS.

2. The conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible, in order to ensure the conservation and management of the fish stocks covered by this Convention.

PART III

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

ARTICLE VI. THE COMMISSION

1. The members of the Commission agree to maintain, with all its assets and liabilities, and to strengthen the Inter-American Tropical Tuna Commission established by the 1949 Convention.

2. The Commission shall be composed of sections consisting of from one (1) to four (4) Commissioners appointed by each member, who may be accompanied by such experts and advisers as that member may deem advisable.

3. The Commission shall have legal personality and shall enjoy, in its relations with other international organizations and with its members, such legal capacity as may be necessary to perform its functions and achieve its objective, in accordance with international law. The immunities and privileges which the Commission and its officers shall enjoy shall be subject to an agreement between the Commission and the relevant member.

4. The headquarters of the Commission shall remain at San Diego, California, United States of America.

ARTICLE VII. FUNCTIONS OF THE COMMISSION

1. The Commission shall perform the following functions, giving priority to tunas and tuna-like species:

   (a) promote, carry out and coordinate scientific research concerning the abundance, biology and biometry in the Convention Area of fish stocks covered by this Convention and, as necessary, of associated or dependent species, and the effects of natural factors and human activities on the populations of these stocks and species;

   (b) adopt standards for collection, verification, and timely exchange and reporting of data concerning the fisheries for fish stocks covered by this Convention;

   (c) adopt measures that are based on the best scientific evidence available to ensure the long-term conservation and sustainable use of the fish stocks covered by this Convention and to maintain or restore the populations of harvested species at levels of abundance which can produce the maximum sustainable yield, *inter alia*, through the setting of the total allowable catch of such fish stocks as the Commission may decide and/or the total allowable level of fishing capacity and/or level of fishing effort for the Convention Area as a whole;

   (d) determine whether, according to the best scientific information available, a specific fish stock covered by this Convention is fully fished or overfished and, on this basis, whether an increase in fishing capacity and/or the level of fishing effort would threaten the conservation of that stock;

   (e) in relation to the stocks referred to in subparagraph (d) of this paragraph, determine, on the basis of criteria that the Commission may adopt or apply, the extent to which the fishing interests of new members of the Commission might be accommodated, taking into account relevant international standards and practices;

   (f) adopt, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by this Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(g) adopt appropriate measures to avoid, reduce and minimize waste, discards, catch by lost or discarded gear, catch of non-target species (both fish and non-fish species) and impacts on associated or dependent species, in particular endangered species;

(h) adopt appropriate measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fish stocks covered by this Convention;

(i) establish a comprehensive program for data collection and monitoring which shall include such elements as the Commission determines necessary. Each member of the Commission may also maintain its own program consistent with guidelines adopted by the Commission;

(j) ensure that, in developing measures to be adopted under subparagraphs (a) to (i) of this paragraph, due consideration is given to the need for coordination and compatibility with measures adopted pursuant to the AIDCP;

(k) promote, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques and such other related activities, including activities connected with, *inter alia*, transfer of technology and training;

(l) where necessary, develop criteria for, and make decisions relating to, the allocation of total allowable catch, or total allowable fishing capacity, including carrying capacity, or the level of fishing effort, taking into account all relevant factors;

(m) apply the precautionary approach in accordance with the provisions of Article IV of this Convention. In cases where measures are adopted by the Commission pursuant to the precautionary approach in the absence of adequate scientific information, as set out in Article IV, paragraph 2 of this Convention, the Commission shall, as soon as possible, undertake to obtain the scientific information necessary to maintain or modify any such measures;

(n) promote the application of any relevant provision of the Code of Conduct and of other relevant international instruments including, *inter alia*, the International Plans of Action adopted by FAO in the framework of the Code of Conduct;

(o) appoint the Director of the Commission;

(p) approve its program of work;

(q) approve its budget, in accordance with the provisions of Article XIV of this Convention;

(r) approve the accounts for the past budgetary period;

(s) adopt or amend its own rules and procedures, financial regulations and other internal administrative regulations as may be necessary to carry out its functions;

(t) provide the Secretariat for the AIDCP, taking into account the provisions of Article XIV, paragraph 3 of this Convention;

(u) establish such subsidiary bodies as it considers necessary;

(v) adopt any other measure or recommendation, based on relevant information, including the best scientific information available, as may be necessary to achieve the objective of this Convention, including non-discriminatory and transparent measures consistent with international law, to prevent, deter and eliminate activities that undermine the effectiveness of the conservation and management measures adopted by the Commission.

2. The Commission shall maintain a staff qualified in matters pertaining to this Convention, including administrative, scientific and technical areas, under the supervision of the Director, and ensure that it shall include all personnel needed for the efficient and effective application of this Convention. The Commission should seek the most qualified staff available, and give due consideration to the importance

of recruiting staff on an equitable basis to promote broad representation and participation of the members of the Commission.

3. In considering guidance for the program of work on scientific matters to be addressed by the scientific staff, the Commission shall consider, *inter alia*, the advice, recommendations, and reports of the Scientific Advisory Committee established pursuant to Article XI of this Convention.

ARTICLE VIII. MEETINGS OF THE COMMISSION

1. The ordinary meetings of the Commission shall take place at least once a year, in such location and on such date as the Commission agrees.

2. The Commission may also hold extraordinary meetings when deemed necessary. These meetings shall be convened at the request of at least two of the members of the Commission, provided that a majority of the members support the request.

3. The meetings of the Commission shall be held only when a quorum is present. Quorum is reached when two-thirds of the members of the Commission are present. This rule shall also apply to meetings of subsidiary bodies established under this Convention.

4. The meetings shall be held in English and Spanish, and the documents of the Commission shall be produced in both these languages.

5. Members shall elect a Chairman and Vice-Chairman from, unless otherwise decided, different Parties to this Convention. Both officials shall be elected for a period of one (1) year and shall remain in office until their successors are elected.

ARTICLE IX. DECISION MAKING

1. Unless provided otherwise, all decisions made by the Commission at meetings convened pursuant to Article VIII of this Convention shall be by consensus of members of the Commission present at the meeting in question.

2. Decisions on adoption of amendments to this Convention and its annexes, as well as invitations to accede to the Convention pursuant to Article XXX, paragraph (c) of this Convention, shall require consensus of all Parties. In such cases, the Chairman of the meeting shall ensure that all members of the Commission have the opportunity to express their views on the proposed decisions, which the Parties shall take into account in reaching the final decision.

3. The consensus of all the members of the Commission shall be required for decisions on:

   (a) the adoption and amendment of the Commission's budget, and those that determine the form and proportion of the contributions of the members;

   (b) the issues referred to in Article VII, subparagraph (l) of paragraph 1 of this Convention.

4. With respect to decisions referred to in paragraphs 2 and 3 of this Article, if a Party or member of the Commission, as the case may be, is absent from the meeting in question and has not sent a notification in accordance with paragraph 6 of this Article, the Director shall notify such Party or member of the decision taken at the meeting. If, within thirty (30) days of the receipt by the Party or member of such notification, the Director has not received a response from such Party or member, that Party or member shall be deemed to have joined the consensus on the decision in question. If, within such 30-day period, such Party or member replies in writing that it cannot join the consensus on the decision in question, the decision shall have no effect, and the Commission shall seek to reach consensus at the earliest opportunity.

5. When a Party or member of the Commission that was not present at a meeting notifies the Director, in accordance with paragraph 4 of this Article, that it cannot join the consensus on a decision taken at that

meeting, that member shall not be able to oppose consensus on the same issue if it is not present at the next meeting of the Commission at which that issue is on the agenda.

6. If a member of the Commission is not able to attend a meeting of the Commission due to extraordinary and unforeseen circumstances outside its control:

   (a) It shall so notify the Director, in writing, prior to the start of the meeting if possible or otherwise at the earliest possible opportunity. Such notification shall be effective upon acknowledgement of its receipt by the Director to the member concerned; and

   (b) Subsequently and as soon as possible, the Director shall notify the member of all the decisions taken at that meeting in accordance with paragraph 1 of this Article;

   (c) within thirty (30) days of the notice referred to in subparagraph (b) of this paragraph, the member may notify the Director in writing that it cannot join the consensus on one or more of these decisions. In such cases, the relevant decision or decisions shall have no effect, and the Commission shall seek to reach consensus at the earliest opportunity.

7. The decisions adopted by the Commission pursuant to this Convention shall be binding for all members forty-five (45) days after their notification, unless otherwise specified in this Convention or agreed when a decision is taken.

ARTICLE X. COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

1. The Commission shall establish a Committee for the Review of Implementation of Measures Adopted by the Commission, which shall be composed of those representatives designated for this purpose by each member of the Commission, who may be accompanied by such experts and advisers as that member may deem advisable.

2. The functions of the Committee shall be those established in Annex 3 of this Convention.

3. In the exercise of its functions, the Committee may, where appropriate, and with the approval of the Commission, consult any other fisheries management, technical or scientific organization with competence in the subject matter of such consultation and may seek such expert advice as may be required in each case.

4. The Committee shall strive to adopt its reports and recommendations by consensus. If every effort to achieve consensus has failed, the reports shall so indicate, and shall reflect the majority and minority views. At the request of any member of the Committee, the views of that member on all or any part of the reports shall also be reflected.

5. The Committee shall meet at least once a year, preferably on the occasion of the ordinary meeting of the Commission.

6. The Committee may convene additional meetings at the request of at least two (2) of the members of the Commission, provided that a majority of the members support the request.

7. The Committee shall exercise its functions in accordance with such rules of procedure, guidelines and directives as the Commission may adopt.

8. In support of the work of the Committee, the staff of the Commission shall:

   (a) collect the information necessary for the work of the Committee and develop a data base, in accordance with the procedures established by the Commission;

   (b) provide such statistical analyses as the Committee deems necessary for carrying out its functions;

   (c) prepare the reports of the Committee;

(d) distribute to the members of the Committee all pertinent information, particularly that set out in subparagraph (a) of paragraph 8 of this Article.

ARTICLE XI. SCIENTIFIC ADVISORY COMMITTEE

1. The Commission shall establish a Scientific Advisory Committee, which shall be composed of a representative designated by each member of the Commission, who shall have appropriate qualifications or relevant experience in the area of competence of the Committee, and who may be accompanied by such experts or advisers as that member may deem advisable.
2. The Commission may invite to participate in the work of the Committee organizations or persons with recognized scientific experience in matters related to the work of the Commission.
3. The functions of the Committee shall be those established in Annex 4 of this Convention.
4. The Committee shall meet at least once a year, preferably prior to a meeting of the Commission.
5. The Committee may convene additional meetings at the request of at least two (2) of the members of the Commission, provided that a majority of the members support the request.
6. The Director shall serve as Chairman of the Committee or may delegate the exercise of this function subject to the approval of the Commission.
7. The Committee shall strive to adopt its reports and recommendations by consensus. If every effort to achieve consensus has failed, the reports shall so indicate, and shall reflect the majority and minority views. At the request of any member of the Committee, the views of that member on all or any part of the reports shall also be reflected.

ARTICLE XII. ADMINISTRATION

1. The Commission shall appoint, in accordance with the adopted rules of procedure and taking into account any criteria established therein, a Director, whose competence in the field of this Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects, and who shall be responsible to the Commission and may be removed by the Commission at its discretion. The term of the Director shall be of 4 years, and he may be reappointed as many times as the Commission decides.
2. The functions of the Director shall be:
   (a) preparing research plans and programs for the Commission;
   (b) preparing budget estimates for the Commission;
   (c) authorizing the disbursement of funds for the implementation of the approved program of work and budget by the Commission and accounting for the funds thus employed;
   (d) appointing, removing and directing the administrative, scientific, technical and other staff, required for the functions of the Commission, in accordance with the rules of procedure adopted by the Commission;
   (e) where appropriate for the efficient functioning of the Commission, appointing a Coordinator of Scientific Research, in accordance with subparagraph (d) of paragraph 2 of this Article, who shall operate under the supervision of the Director, who shall assign to the Coordinator of Scientific Research such functions and responsibilities as the Director determines appropriate;
   (f) arranging for cooperation with other organizations or individuals, as appropriate, when needed for the performance of the functions of the Commission;
   (g) coordinating the work of the Commission with that of organizations and individuals whose cooperation the Director has arranged;

(h) drafting administrative, scientific and other reports for the Commission;

(i) preparing draft agendas for and convening the meetings of the Commission and its subsidiary bodies, in consultation with the members of the Commission and taking into account their proposals, and providing administrative and technical support for such meetings;

(j) ensuring the publication and dissemination of the conservation and management measures which have been adopted by the Commission and are in force and, as far as practicable, the maintenance and dissemination of records of other applicable conservation and management measures adopted by the members of the Commission in force in the Convention Area;

(k) ensuring the maintenance of a record, based, *inter alia*, on the information provided to the Commission pursuant to Annex 1 of this Convention, of vessels fishing in the Convention Area, as well as the periodic circulation of the information contained in such record to all members of the Commission, and, on request, to any member individually;

(l) acting as the legal representative of the Commission;

(m) performing such other functions as are necessary to ensure the efficient and effective operation of the Commission and others that may be assigned to him by the Commission.

3. In fulfilling their functions, the Director and the staff of the Commission shall not act in any manner that could be incompatible with their status or with the objective and provisions of this Convention, nor shall they have any financial interests in activities such as investigation and research, exploration, exploitation, processing and marketing of the fish stocks covered by this Convention. Likewise, they shall also maintain as confidential, while they are employed by the Commission and thereafter, any confidential information they obtained or to which they had access during their employment.

ARTICLE XIII. SCIENTIFIC STAFF

The Scientific Staff shall operate under the supervision of the Director, and of the Coordinator of Scientific Research if appointed in accordance with Article XII, subparagraphs (d) and (e) of paragraph 2 of this Convention, and shall have the following functions, giving priority to tunas and tuna-like species:

(a) conduct the scientific research projects and other research activities approved by the Commission in accordance with the plans of work adopted for this purpose;

(b) provide the Commission, through the Director, with scientific advice and recommendations in support of the formulation of conservation and management measures and other relevant matters, following consultations with the Scientific Advisory Committee, except in circumstances where evident time constraints would limit the ability of the Director to provide the Commission with such advice or recommendations on a timely basis;

(c) provide the Scientific Advisory Committee with the information necessary to carry out the functions specified in Annex 4 of this Convention;

(d) provide the Commission, through the Director, with recommendations for scientific research in support of the Commission's functions in accordance with Article VII, subparagraph (a) of paragraph 1, of this Convention;

(e) collect and analyze information relating to current and past conditions and trends of the populations of the fish stocks covered by this Convention;

(f) provide the Commission, through the Director, with proposed standards for collection, verification, and timely exchange and reporting of data concerning the fisheries for fish stocks covered by this Convention;

(g) collect statistical data and all kinds of reports concerning catches of fish stocks covered by this Convention and the operations of vessels in the Convention Area, and any other relevant

information concerning fisheries for such stocks, including, as appropriate, social and economic aspects;

(h) study and appraise information concerning methods and procedures for maintaining and increasing the fish stocks covered by this Convention;

(i) publish or otherwise disseminate reports on its findings and such other reports as fall within the scope of this Convention as well as scientific, statistical and other data relating to the fisheries for the fish stocks covered by this Convention, ensuring confidentiality in conformity with the provisions of Article XXII of this Convention;

(j) perform such other functions and tasks as may be assigned to it.

ARTICLE XIV. BUDGET

1. The Commission shall adopt each year its budget for the following year, in accordance with Article IX, paragraph 3 of this Convention. In determining the size of the budget, the Commission shall give due consideration to the principle of cost effectiveness.
2. The Director shall submit to the Commission for consideration a detailed draft annual budget that shall identify the disbursements to be made from contributions referred to in Article XV, paragraph 1, and those referred to in Article XV, paragraph 3, of this Convention.
3. The Commission shall maintain separate accounts for the activities carried out under this Convention and under the AIDCP. The services to be provided to the AIDCP and the corresponding estimated costs shall be specified in the Commission's budget. The Director shall provide to the Meeting of the Parties to the AIDCP for its approval, and prior to the year in which the services are to be provided, estimates of services and their costs corresponding to the tasks to be carried out pursuant to that Agreement.
4. The accounts of the Commission shall be subjected to an annual independent financial audit.

ARTICLE XV. CONTRIBUTIONS

1. The amount of the contribution of each member of the Commission to the budget shall be determined in accordance with the scheme which the Commission shall adopt, and amend, as required, in accordance with Article IX, paragraph 3, of this Convention. The scheme adopted by the Commission shall be transparent and equitable for all members and shall be set out in the financial regulations of the Commission.
2. The contributions agreed pursuant to the provisions of paragraph 1 of this Article shall enable the operation of the Commission and cover in a timely manner the annual budget adopted in accordance with Article XIV, paragraph 1, of this Convention.
3. The Commission shall establish a fund to receive voluntary contributions for research on and conservation of the fish stocks covered by this Convention and, as appropriate, associated or dependent species, and for the conservation of the marine environment.
4. Notwithstanding the provisions of Article IX of this Convention, unless the Commission decides otherwise, if a member of the Commission is in arrears in the payment of its contributions by an amount equal to or greater than the total of the contributions due from it for the preceding twenty-four (24) months, that member shall not have the right to participate in decision-making in the Commission until it has fulfilled its obligations pursuant to this Article.
5. Each member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of its subsidiary bodies.

ARTICLE XVI. TRANSPARENCY

1. The Commission shall promote transparency in the implementation of this Convention in its decision-making processes and other activities, *inter alia*, through:

(a) the public dissemination of pertinent non-confidential information; and

(b) as appropriate, facilitating consultations with, and the effective participation of, non-governmental organizations, representatives of the fishing industry, particularly the fishing fleet, and other interested bodies and individuals.

2. Representatives of non-Parties, relevant intergovernmental organizations, and non-governmental organizations, including environmental organizations with recognized experience in matters pertaining to the Commission and the tuna industry of any of the members of the Commission operating in the Convention Area, particularly the tuna fishing fleet, shall be afforded the opportunity to take part in the meetings of the Commission and of its subsidiary organs, as observers or otherwise, as appropriate, in accordance with the principles and criteria established in Annex 2 of this Convention as well as others that the Commission may adopt. Such participants shall have timely access to relevant information, subject to the rules of procedure and of confidentiality on access to such information that the Commission may adopt.

PART IV

RIGHTS AND OBLIGATIONS OF MEMBERS OF THE COMMISSION

ARTICLE XVII. RIGHTS OF STATES

No provision of this Convention may be interpreted in such a way as to prejudice or undermine the sovereignty, sovereign rights, or jurisdiction exercised by any State in accordance with international law, as well as its position or views with regard to matters relating to the law of the sea.

ARTICLE XVIII. IMPLEMENTATION, COMPLIANCE AND ENFORCEMENT BY PARTIES

1. Each Party shall take the measures necessary to ensure the implementation of and compliance with this Convention and any conservation and management measures adopted pursuant thereto, including the adoption of the necessary laws and regulations.

2. Each Party shall provide to the Commission all the information that may be required for the fulfillment of the objective of this Convention, including statistical and biological information and information concerning its fishing activities in the Convention Area, and shall provide to the Commission information regarding actions taken to implement the measures adopted in accordance with this Convention, whenever required by the Commission and as appropriate, subject to the provisions of Article XXII of this Convention and in accordance with the rules of procedure to be developed and adopted by the Commission.

3. Each Party shall promptly, through the Director, inform the Committee for the Review of Implementation of Measures Adopted by the Commission established pursuant to the provisions of Article X of this Convention of:

(a) legal and administrative provisions, including those regarding infractions and sanctions, applicable to compliance with conservation and management measures adopted by the Commission;

(b) actions taken to ensure compliance with conservation and management measures adopted by the Commission, including, if appropriate, an analysis of individual cases and the final decision taken.

4. Each Party shall:

(a) authorize the use and release, subject to any applicable rules of confidentiality, of pertinent information recorded by on-board observers of the Commission or a national program;

(b) ensure that vessel owners and/or captains allow the Commission, in accordance with the rules of procedure adopted by the Commission in this respect, to collect and analyze information necessary for carrying out the functions of the Committee for the Review of Implementation of Measures Adopted by the Commission;

(c) provide to the Commission every six months a report on the activities of its tuna-fishing vessels and any other information necessary for the work of the Committee for the Review of Implementation of Measures Adopted by the Commission.

5. Each Party shall take measures to ensure that vessels operating in waters under its national jurisdiction comply with this Convention and the measures adopted pursuant thereto.

6. Each Party, where it has reasonable grounds to believe that a vessel flying the flag of another State has engaged in any activity that undermines the effectiveness of conservation and management measures adopted for the Convention Area, shall draw this to the attention of the flag State concerned and may, as appropriate, draw the matter to the attention of the Commission. The Party in question shall provide the flag State with full supporting evidence and may provide the Commission with a summary of such evidence. The Commission shall not circulate such information until such time as the flag State has had an opportunity to comment, within a reasonable time, on the allegation and evidence submitted for its consideration, or to object, as the case may be.

7. Each Party, at the request of the Commission or of any other Party, when provided with relevant information that a vessel under its jurisdiction has carried out activities which contravene the measures adopted pursuant to this Convention, shall carry out a thorough investigation, and if appropriate proceed in accordance with its national legislation and inform, as soon as possible, the Commission and, if applicable, the other Party, of the results of its investigations and the actions taken.

8. Each Party shall apply, in accordance with its national laws and in a manner consistent with international law, sanctions of sufficient gravity as to be effective in securing compliance with the provisions of this Convention and of measures adopted pursuant thereto and to deprive offenders of the benefits accruing from their illegal activities, including, as appropriate, refusal, suspension or withdrawal of the authorization to fish.

9. The Parties whose coasts border the Convention Area or whose vessels fish for fish stocks covered by this Convention or in whose territory the catch is landed and processed shall cooperate with a view to ensuring compliance with this Convention and with a view to ensuring the application of the conservation and management measures adopted by the Commission, including through the adoption of cooperative measures and schemes, as appropriate.

10. If the Commission determines that vessels fishing in the Convention Area have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the Commission, the Parties may take action, following the recommendations adopted by the Commission and in accordance with this Convention and international law, to deter such vessels from such activities until such time as appropriate action is taken by the flag State to ensure that such vessels do not continue those activities.

ARTICLE XIX. IMPLEMENTATION, COMPLIANCE AND ENFORCEMENT BY FISHING ENTITIES

Article XVIII of this Convention applies, *mutatis mutandis*, to fishing entities that are members of the Commission.

ARTICLE XX. DUTIES OF FLAG STATES

1. Each Party shall, in accordance with international law, take such measures as may be necessary to ensure that vessels flying its flag comply with the provisions of this Convention and the conservation and management measures adopted pursuant thereto, and that such vessels do not engage in any activity which undermines the effectiveness of such measures.

2. No Party shall allow any vessel entitled to fly its flag to be used for fishing for fish stocks covered by this Convention unless it has been authorized to do so by the appropriate authority or authorities of that Party. A Party shall authorize the use of vessels flying its flag for fishing in the Convention Area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention.

3. In addition to its obligations under paragraphs 1 and 2 of this Article, each Party shall take such measures as may be necessary to ensure that vessels flying its flag do not fish in areas under the sovereignty or national jurisdiction of any other State in the Convention Area without the corresponding license, permit or authorization issued by the competent authorities of that State.

ARTICLE XXI. DUTIES OF FISHING ENTITIES

Article XX of this Convention applies, *mutatis mutandis*, to fishing entities that are members of the Commission.

PART V

CONFIDENTIALITY

ARTICLE XXII. CONFIDENTIALITY

1. The Commission shall establish rules of confidentiality for all bodies and individuals given access to information pursuant to this Convention.
2. Notwithstanding any confidentiality rules which may be adopted in accordance with paragraph 1 of this Article, any persons with access to such confidential information may disclose such information in connection with legal or administrative proceedings, if requested by the competent authority concerned.

PART VI

COOPERATION

ARTICLE XXIII. COOPERATION AND ASSISTANCE

1. The Commission shall seek to adopt measures relating to technical assistance, technology transfer, training and other forms of cooperation, to assist developing countries that are members of the Commission to fulfill their obligations under this Convention, as well as to enhance their ability to develop fisheries under their respective national jurisdictions and to participate in high seas fisheries on a sustainable basis.
2. The members of the Commission shall facilitate and promote such cooperation, especially financial and technical, and the transfer of technology, as may be necessary for the effective implementation of paragraph 1 of this Article.

ARTICLE XXIV. COOPERATION WITH OTHER ORGANIZATIONS OR ARRANGEMENTS

1. The Commission shall cooperate with subregional, regional, and global fishery organizations and arrangements and, as appropriate, shall establish relevant institutional arrangements such as consultative committees, in agreement with such organizations or arrangements, with the goal of promoting the achievement of the objective of this Convention, obtaining the best available scientific information, and avoiding duplication with respect to their work.
2. The Commission, in agreement with the relevant organizations or arrangements, shall adopt the rules of operation for the institutional arrangements established in accordance with paragraph 1 of this Article.
3. Where the Convention Area overlaps with an area under regulation by another fisheries management organization, the Commission shall cooperate with such other organization in order to ensure that the objective of this Convention is reached. To this end, through consultations or other arrangements, the Commission shall strive to agree with the other organization on the relevant measures to be taken, such as ensuring the harmonization and compatibility of the conservation and management measures adopted by the Commission and the other organization, or deciding that the Commission or the other organization, as appropriate, avoid taking measures in respect of species in that area which are regulated by the other.

4. The provisions of paragraph 3 of this Article shall be applied, as appropriate, to the case of fish stocks that migrate through areas under the purview of the Commission and of another organization or organizations or arrangements.

PART VII

SETTLEMENT OF DISPUTES

ARTICLE XXV. SETTLEMENT OF DISPUTES

1. The members of the Commission shall cooperate in order to prevent disputes. Any member may consult with one or more members about any dispute related to the interpretation or application of the provisions of this Convention to reach a solution satisfactory to all as quickly as possible.
2. If a dispute is not settled through such consultation within a reasonable period, the members in question shall consult among themselves as soon as possible in order to settle the dispute through any peaceful means they may agree upon, in accordance with international law.
3. In cases when two or more members of the Commission agree that they have a dispute of a technical nature, and they are unable to resolve the dispute among themselves, they may refer the dispute, by mutual consent, to a non-binding *ad hoc* expert panel constituted within the framework of the Commission in accordance with the procedures adopted for this purpose by the Commission. The panel shall confer with the members concerned and shall endeavor to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

PART VIII

NON-MEMBERS

ARTICLE XXVI. NON-MEMBERS

1. The Commission and its members shall encourage all States and regional economic integration organizations referred to in Article XXVII of this Convention and, as appropriate, fishing entities referred to in Article XXVIII of this Convention that are not members of the Commission to become members or to adopt laws and regulations consistent with this Convention.
2. The members of the Commission shall exchange information among themselves, either directly or through the Commission, with respect to activities of vessels of non-members that undermine the effectiveness of this Convention.
3. The Commission and its members shall cooperate, consistent with this Convention and international law, to jointly deter vessels of non-members from carrying out activities that undermine the effectiveness of this Convention. To this end, the members shall, *inter alia*, call to the attention of non-members such activities by their vessels.

PART IX

FINAL PROVISIONS

ARTICLE XXVII. SIGNATURE

1. This Convention shall be open for signature at Washington from November 14, 2003, until December 31, 2004, by:
   (a) the Parties to the 1949 Convention;
   (b) States not Party to the 1949 Convention with a coastline bordering the Convention Area; and
   (c) States and regional economic integration organizations which are not Parties to the 1949 Convention and whose vessels have fished for fish stocks covered by this Convention at any time during the four

years preceding the adoption of this Convention and that participated in the negotiation of this Convention; and

(d) other States which are not Parties to the 1949 Convention and whose vessels have fished for fish stocks covered by this Convention at any time during the four years preceding the adoption of this Convention, following consultations with the Parties to the 1949 Convention.

2. In relation to the regional economic integration organizations referred to in paragraph 1 of this Article, no member State of such organizations may sign this Convention unless it represents a territory which lies outside the territorial scope of the treaty establishing the organization and provided that such member State's participation be limited to representing only the interests of that territory.

ARTICLE XXVIII. FISHING ENTITIES

1. Any fishing entity whose vessels have fished for fish stocks covered by this Convention at any time during the four years preceding the adoption of this Convention may express its firm commitment to abide by the terms of this Convention and comply with any conservation and management measures adopted pursuant thereto, by:

   (a) signing, during the period referred to in Article XXVII, paragraph 1 of this Convention, an instrument drafted to this effect in accordance with a resolution to be adopted by the Commission under the 1949 Convention; and/or

   (b) during or after the above-mentioned period, providing a written communication to the Depositary in accordance with a resolution to be adopted by the Commission under the 1949 Convention. The Depositary shall promptly provide a copy of this communication to all signatories and Parties.

2. The commitment expressed pursuant to paragraph 1 of this Article shall be effective from the date referred to in Article XXXI, paragraph 1, of this Convention, or on the date of the written communication referred to in paragraph 1 of this Article, whichever is later.

3. Any fishing entity referred to above may express its firm commitment to abide by the terms of this Convention as it may be amended pursuant to Article XXXIV or Article XXXV of this Convention by providing a written communication to this effect to the Depositary in accordance with the resolution referred to in paragraph 1 of this Article.

4. The commitment expressed pursuant to paragraph 3 of this Article shall be effective from the dates referred to in Article XXXIV, paragraph 3, and Article XXXV, paragraph 4, of this Convention, or on the date of the written communication referred to in paragraph 3 of this Article, whichever is later.

ARTICLE XXIX. RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention is subject to ratification, acceptance or approval by the signatories in accordance with their domestic laws and procedures.

ARTICLE XXX. ACCESSION

This Convention shall remain open to accession by any State or regional economic integration organization:

(a) that meets the requirements of Article XXVII of this Convention; or

(b) whose vessels fish for fish stocks covered by this Convention, following consultations with the Parties; or

(c) that is otherwise invited to accede on the basis of a decision by the Parties.

ARTICLE XXXI. ENTRY INTO FORCE

1. This Convention shall enter into force fifteen (15) months after the deposit with the Depositary of the seventh instrument of ratification, acceptance, approval, or accession of the Parties to the 1949 Convention that were Parties to that Convention on the date this Convention was opened for signature.

2. After the date of entry into force of this Convention, with respect to each State or regional economic integration organization that meets the requirements of Article XXVII or Article XXX, this Convention shall enter into force for said State or regional economic integration organization on the thirtieth (30th) day following the deposit of its instrument of ratification, acceptance, approval, or accession.

3. Upon entry into force of this Convention, this Convention shall prevail, as between Parties to this Convention and the 1949 Convention, over the 1949 Convention.

4. Upon the entry into force of this Convention, conservation and management measures and other arrangements adopted by the Commission under the 1949 Convention shall remain in force until such time as they expire, are terminated by a decision of the Commission, or are replaced by other measures or arrangements adopted pursuant to this Convention.

5. Upon entry into force of this Convention, a Party to the 1949 Convention that has not yet consented to be bound by this Convention shall be deemed to remain a member of the Commission unless such Party elects not to remain a member of the Commission by so notifying the Depositary in writing prior to the entry into force of this Convention.

6. Upon entry into force of this Convention for all Parties to the 1949 Convention, the 1949 Convention shall be considered as terminated in accordance with the relevant rules of international law as reflected in Article 59 of the Vienna Convention on the Law of Treaties.

ARTICLE XXXII. PROVISIONAL APPLICATION

1. In accordance with its laws and regulations, a State or regional economic integration organization that meets the requirements of Article XXVII or Article XXX of this Convention may apply this Convention provisionally by so notifying the Depositary in writing. Such provisional application shall commence on the later of the date of entry into force of this Convention and the date of receipt of such notification by the Depositary.

2. Provisional application of this Convention by a State or regional economic integration organization referred to in paragraph 1 of this Article shall terminate upon entry into force of this Convention for that State or regional economic integration organization, or upon notification to the Depositary by that State or regional economic integration organization of its intention to terminate its provisional application of this Convention.

ARTICLE XXXIII. RESERVATIONS

No reservations may be made to this Convention.

ARTICLE XXXIV. AMENDMENTS

1. Any member of the Commission may propose an amendment to the Convention by providing to the Director the text of a proposed amendment at least sixty (60) days in advance of a meeting of the Commission. The Director shall provide a copy of this text to all other members promptly.

2. Amendments to the Convention shall be adopted in accordance with Article IX, paragraph 2, of this Convention.

3. Amendments to this Convention shall enter into force ninety (90) days after all Parties to the Convention at the time the amendments were approved have deposited their instruments of ratification, acceptance, or approval of such amendments with the Depositary.

4. States or regional economic integration organizations that become Parties to this Convention after the entry into force of amendments to the Convention or its annexes shall be considered to be Party to the Convention as amended.

ARTICLE XXXV. ANNEXES

1. The Annexes to this Convention form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Annexes thereto.
2. Any member of the Commission may propose an amendment to an Annex to the Convention by providing to the Director the text of a proposed amendment at least sixty (60) days in advance of a meeting of the Commission. The Director shall provide a copy of this text to all other members promptly.
3. Amendments to the Annexes shall be adopted in accordance with Article IX, paragraph 2, of this Convention.
4. Unless otherwise agreed, amendments to an Annex shall enter into force for all members of the Commission ninety (90) days after their adoption pursuant to paragraph 3 of this Article.

ARTICLE XXXVI. WITHDRAWAL

1. Any Party may withdraw at any time after twelve (12) months from the date on which this Convention entered into force with respect to that Party by giving written notice of withdrawal to the Depositary. The Depositary shall inform the other Parties of the withdrawal within thirty (30) days of receipt of such notice. The withdrawal shall become effective six (6) months after receipt of such notice by the Depositary.
2. This article applies, *mutatis mutandis*, to any fishing entity with respect to its commitment under Article XXVIII of this Convention.

ARTICLE XXXVII. DEPOSITARY

The original texts of this Convention shall be deposited with the Government of the United States of America, which shall send certified copies thereof to the signatories and the Parties thereto, and to the Secretary General of the United Nations for registration and publication, pursuant to Article 102 of the Charter of the United Nations.

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

DONE at Washington, on this 14th day of November, 2003, in English, Spanish and French, all three texts being equally authentic.

ANNEX 1. GUIDELINES AND CRITERIA FOR THE ESTABLISHMENT OF RECORDS OF VESSELS

1. In application of Article XII, subparagraph (k) of paragraph 2, of this Convention, each Party shall maintain a record of vessels entitled to fly its flag and authorized to fish in the Convention Area for fish stocks covered by this Convention, and shall ensure that the following information for all such vessels is entered in that record:

   (a) Name of vessel, registration number, previous names (if known) and port of registry;

   (b) A photograph of the vessel showing its registration number;

   (c) Name and address of owner or owners;

   (d) Name and address of operator(s) and/or manager(s) if any;

   (e) Previous flag (if known and if any);

   (f) International Radio Call Sign (if any);

   (g) Where and when built;

   (h) Type of vessel;

   (i) Type of fishing methods;

   (j) Length, beam and moulded depth;

   (k) Gross tonnage;

   (l) Power of main engine or engines;

   (m) The nature of the authorization to fish granted by the flag State;

   (n) Freezer type, freezer capacity, and number and capacity of fish holds.

2. The Commission may decide to exempt vessels from the requirements of paragraph 1 of this Annex on the basis of their length or other characteristic.

3. Each Party shall provide to the Director, in accordance with the procedures established by the Commission, the information referred to in paragraph 1 of this Annex and shall promptly notify the Director of any modifications to such information.

4. Each Party shall also promptly inform the Director of:

   (a) any additions to the record;

   (b) deletions from the record by reason of:

      i. the voluntary relinquishment or non-renewal of the fishing authorization by the owner or operator of the vessel;

      ii. the withdrawal of the fishing authorization issued to the vessel in accordance with Article XX, paragraph 2, of this Convention;

      iii. the fact that the vessel is no longer entitled to fly its flag;

      iv. the scrapping, decommissioning or loss of the vessel; and

      v. any other reason,

   specifying which of the reasons listed above are applicable.

5. This Annex applies, *mutatis mutandis*, to fishing entities that are members of the Commission.

ANNEX 2. PRINCIPLES AND CRITERIA FOR THE PARTICIPATION OF OBSERVERS AT MEETINGS OF THE COMMISSION

1. The Director shall invite to meetings of the Commission convened pursuant to Article VIII of this Convention intergovernmental organizations whose work is relevant to the implementation of this Convention, as well as non-Parties interested in conservation and sustainable use of the fish stocks covered by this Convention that so request.
2. Non-governmental organizations (NGOs) referred to in Article XVI, paragraph 2 of this Convention shall be eligible to participate as observers in all meetings of the Commission and its subsidiary bodies convened pursuant to Article VIII of this Convention, except meetings held in executive session or meetings of Heads of Delegation.
3. Any NGO desiring to participate as an observer in a meeting of the Commission shall notify the Director of its request to participate at least fifty (50) days in advance of the meeting. The Director shall notify the members of the Commission of the names of such NGOs, together with the information specified in paragraph 6 of this Annex, at least forty-five (45) days prior to the beginning of the meeting.
4. If a meeting of the Commission is held with less than fifty (50) days' notice, the Director shall have greater flexibility concerning the time frames established in paragraph 3 of this Annex.
5. An NGO wishing to participate in the meetings of the Commission and its subsidiary bodies may also be allowed to do so on an annual basis, subject to paragraph 7 of this Annex.
6. Requests for participation referred to in paragraphs 3, 4 and 5 of this Annex shall include the name and office locations of the NGO, and a description of its mission and how its mission and activities are related to the work of the Commission. Such information shall be updated if necessary.
7. An NGO desiring to participate as an observer may do so unless at least one-third of the members of the Commission object for cause in writing to such participation.
8. All observers admitted to a meeting of the Commission shall be sent or otherwise provided the same documentation generally available to the members of the Commission, except documentation containing business-confidential data.
9. Any observer admitted to a meeting of the Commission may:
   (a) attend meetings, subject to paragraph 2 of this Annex, but not vote;
   (b) make oral statements during the meetings upon the invitation of the Chairman;
   (c) distribute documents at the meeting, with the approval of the Chairman; and
   (d) engage in other activities, as appropriate and as approved by the Chairman.
10. The Director may require non-Party and NGO observers to pay reasonable fees, and to cover costs attributable to their attendance.
11. All observers admitted to a meeting of the Commission shall comply with all rules and procedures applicable to other participants in the meeting.
12. Any NGO that does not comply with the requirements of paragraph 11 of this Annex shall be excluded from further participation in meetings, unless the Commission decides otherwise.

ANNEX 3. COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

The functions of the Committee for the Review of Implementation of Measures Adopted by the Commission established under Article X of this Convention shall be the following:

(a) review and monitor compliance with conservation and management measures adopted by the Commission, as well as cooperative measures referred to in Article XVIII, paragraph 9, of this Convention;

(b) analyze information by flag or, when information by flag would not cover the relevant case, by vessel, and any other information necessary to carry out its functions;

(c) provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures;

(d) recommend to the Commission means of promoting compatibility among the fisheries management measures of the members of the Commission;

(e) recommend to the Commission means to promote the effective implementation of Article XVIII, paragraph 10, of this Convention;

(f) in consultation with the Scientific Advisory Committee, recommend to the Commission the priorities and objectives of the program for data collection and monitoring established in Article VII, subparagraph (I) of paragraph 1, of this Convention and assess and evaluate the results of that program;

(g) perform such other functions as the Commission may direct.

ANNEX 4. SCIENTIFIC ADVISORY COMMITTEE

The functions of the Scientific Advisory Committee established under Article XI of this Convention shall be the following:

(a) review the plans, proposals and research programs of the Commission, and provide to the Commission such advice as may be appropriate;

(b) review any relevant assessments, analyses, research or work, as well as recommendations prepared for the Commission by its scientific staff prior to consideration of such recommendations by the Commission, and to provide additional information, advice and comments, as warranted, to the Commission on these matters;

(c) recommend to the Commission specific issues and items to be addressed by the scientific staff as part of its future work;

(d) in consultation with the Committee for the Review of the Implementation of Measures Adopted by the Commission, recommend to the Commission the priorities and objectives of the program for data collection and monitoring established in Article VII, subparagraph (i) of paragraph 1, of this Convention and assess and evaluate the results of that program;

(e) assist the Commission and the Director in locating sources of funding to conduct the research to be undertaken under this Convention;

(f) develop and promote cooperation between and among the members of the Commission through their research institutions, with the purpose of expanding the knowledge and understanding of the fish stocks covered by this Convention;

(g) promote and facilitate, as appropriate, the cooperation of the Commission with other national and international public or private organizations with similar objectives;

(h) consider any matter referred to it by the Commission;

(i) perform such other functions and tasks as may be requested or assigned to it by the Commission.

強化依 1949 年美利堅合眾國與哥斯大黎加共和國間公約成立之美洲熱帶鮪魚委員會之美洲熱帶鮪魚委員會公約（安地瓜公約）中譯文

強化依 1949 年美利堅合眾國與哥斯大黎加共和國間公約成立之美洲熱帶鮪魚委員會之美洲熱帶鮪魚委員會公約（安地瓜公約）

本公約各締約方

意識到根據「1982 年聯合國海洋法公約」(「海洋法公約」) 所反映之相關國際法規定，所有國家有責任對海洋生物資源，包括高度洄游魚類，採取必要之養護與管理措施，並與其他國家合作採取此等措施；

回顧「海洋法公約」規定，沿海國對在其國家管轄區域內海洋生物資源有探勘和開發、養護和管理之主權權利，及根據「海洋法公約」所有國家可由其國民在公海上從事捕魚之權利；

重申他們對「1992 年聯合國環境與發展會議」通過之環境與發展「里約宣言」和「廿一世紀議程」，特別是第十七章，和 2002 年「世界永續發展高峰會議」通過之「約翰尼斯堡宣言」和「執行計畫」所作的承諾；

強調有需要履行 1995 年聯合國糧食暨農業組織（糧農組織）會議通過「負責任漁業行為準則」的原則與標準，包括構成準則完整部分之「1993 年促進公海漁船遵守國際養護與管理措施協定」，以及糧農組織在行為準則架構下通過之多項國際行動計畫；

注意到第 50 屆聯合國大會依據 A/RES/50/24 決議通過「履行 1982 年 12 月 10 日『聯合國海洋法公約』有關養護與管理跨界及高度洄游魚類種群條款的協定」(「1995 年聯合國魚類種群協定」)；

考慮到締約方人民以所捕撈之高度洄游魚種為其食物來源、就業及經濟利益之重要性，及養護與管理措施必須顧及此等需要，並考量該等措施之經濟與社會之衝擊；

考量到本區域內開發中國家，特別是沿海開發中國家的特殊情況與需求，以達成本公約之目標；

承認美洲熱帶鮪魚委員會之重大努力及傑出成就，與其工作在東太平洋鮪漁業上的重要性；

意欲經由履行「1949 年公約」所得之經驗獲益；

重申多邊合作係構成達到海洋生物資源養護及永續利用目標的最有效方法；

承諾確保公約涵蓋的魚類種群長期養護與永續利用；

咸信藉由更新 1949 年美利堅合眾國與哥斯大黎加共和國間為成立美洲熱帶鮪魚委員會公約之規定，最能達成上述目標及強化美洲熱帶鮪魚委員會；

經協議如下：

第一部分 一般條款

第一條 定義

為本公約之目的：

1. 「本公約涵蓋的魚類種群」係指在公約區域內捕撈鮪類及類鮪類之漁船所捕獲之鮪類和類鮪類種群與其他魚種；

2. 「捕魚」係指：

(a) 實際或嘗試搜尋、捕捉或採收本公約涵蓋的魚類種群；

(b) 從事任何可合理預期達成方位確定、捕捉、採收這些種群之活動；

(c) 放置、搜尋或回收任何集魚器或包括無線電浮標等相關聯之設備；

(d) 任何以支援或準備本項(a)、(b)和(c)款所述活動的任何海上作業，但涉及船員健康及安全或船舶安全緊急事故之作業除外；

(e) 使用從事與本定義所述之任何活動的其他空中或海上載具，但有關緊急事故及船舶之安全者除外；

3. 「船舶」係指任何用於或意圖用於捕魚目的之船舶，包括支援船、運搬船及其他直接涉及捕魚作業之船舶；

4. 「船旗國」除另有指定外，係指：

(a) 其所屬船舶有資格懸掛其旗幟之國家，或

(b) 其船舶有資格懸掛區域性經濟整合組織會員旗幟之區域性經濟整合組織；

5. 「共識決」係指決定之通過未經投票及無任何明示反對；

6. 「締約方」係指根據本公約第二十七條、二十九條及三十條條款，同意於公約生效後，受本公約拘束之國家與區域性經濟整合組織。

7. 「委員會會員」係指締約方與已依照本公約第二十八條表達正式承諾遵守本公約，及遵從依照本公約通過之任何養護與管理措施之捕魚實體；

8. 「區域性經濟整合組織」係指一區域性經濟整合組織，其會員已將本公約之管轄事宜讓與之，包括就該等事宜有權對其會員做出拘束之決定；

9. 「1949 年公約」係指美利堅合眾國與哥斯大黎加共和國間為成立美洲熱帶鮪魚委員會之公約；

10. 「委員會」係指美洲熱帶鮪魚委員會；

11. 「海洋法公約」係指 1982 年 12 月 10 日聯合國海洋法公約；

12. 「1995 年聯合國魚類種群協定」係指「履行 1982 年 12 月 10 日『聯合國海洋法公約』有關養護與管理跨界及高度洄游魚類種群條款之協定」；

13. 「行為準則」係指 1995 年 10 月聯合國糧農組織第 28 屆大會通過之「責任漁業行為準則」；

14. 「AIDCP」係指 1998 年 5 月 21 日之國際海豚養護計畫協定。

第二條 目標

本公約之目標在依據國際法相關規範，確保本公約涵蓋的魚類種群長期養護與永續利用。

第三條 公約適用區域

公約適用區域（「公約區域」）包含由北、中及南美洲海岸線與以下之線所環繞之太平洋海域：

i 北緯 50 度線從北美洲海岸線至西經 150 度線交叉點；

ii 西經 150 度線與南緯 50 度線交叉點；

iii 南緯 50 度線與南美洲海岸線交叉點。

第二部分 公約涵蓋的魚類種群之養護與利用

第四條 預防性作法之適用

1. 為養護、管理及永續利用公約涵蓋的魚類種群，委員會會員應直接或透過委員會，適用如「行為準則」及/或「1995 年聯合國魚類種群協定」相關條文所述之預防性作法。

2. 委員會會員在資訊不確定、不可靠或不充足時應更為審慎，不得以科學資訊不充足為由而延遲或不採取養護與管理措施。

3. 如目標種群或非目標或相關或附屬種之狀態令人關切，委員會會員應對此類種群及魚種加強監測，以審查其狀態及養護與管理措施之效力，各會員應根據新的資料定期修訂該等措施。

第五條 養護與管理措施之相容性

1. 在不妨礙沿海國會員根據「海洋法公約」享有的在其主權或國家管轄地區內探勘與開發、養護與管理的主權或主權權利，及所有會員依據「海洋法公約」享有的可由其國民在公海上從事捕魚之權利。

2. 為公海制定和為國家管轄區域制定之養護與管理措施應相容，以確保本公約涵蓋的魚類種群之養護與管理。

第三部份 美洲熱帶鮪魚委員會

第六條 委員會

1. 委員會會員同意維持並強化現有之 1949 年公約委員會，連同其所有資產及負債。

2. 委員會應由各會員指派 1 到 4 位委員組成的團所組成，其可視需要由該會員認為適當的專家及顧問陪同與會。

3. 委員會應有法律人格，在其與其他國際組織及其會員之關係上，應享有依據國際法執行其功能並達成其目標所必要之法律行為能力。委員會及

其官員應享受之豁免與特權應由委員會與相關會員所定協定規範之。

4. 委員會總部應維持設在美利堅合眾國加利福尼亞州聖地牙哥市。

第七條 委員會之功能

1. 委員會應執行以下功能，並優先考量鮪類及類鮪類：

(a) 促進、從事與協調有關在公約區內公約涵蓋的魚類種群的豐度、生物與生物統計及自然因素與人類活動對這些種群及魚種影響之科學研究，有所需要時，擴至其相關或從屬種。

(b) 制定捕撈本公約涵蓋的魚類種群之漁業相關資料蒐集、核實與適時交換和彙報之各項標準；

(c) 根據可得之最佳科學證據制定措施，以確保本公約涵蓋的魚類種群之長期養護與永續利用，及維持在或恢復到捕撈魚種族群至最高持續產量之豐度水平，除其他外，特別透過委員會所決定此等魚類種群在整個公約區的總可捕量及/或總可捕能力水平及/或漁獲努力量水平；

(d) 根據可得之最佳科學資訊，決定本公約涵蓋之特定的魚類種群是否被充分捕撈或過度捕撈，並在此基礎上決定增加捕撈能力及/或漁獲努力量水平是否會威脅到該魚類種群之養護；

(e) 依據委員會所制定或採用之基準，決定有關本款(d)項所述種群可供新會員漁撈之利益範圍，並考量相關國際標準及實踐；

(f) 視必要通過對屬於同一生態系之魚種和受漁撈影響或相關或從屬本公約涵蓋的魚類種群之養護與管理措施及建議案，旨在維持於或恢復到此類族群高於其繁殖可能受嚴重威脅之水平；

(g) 通過適當的措施以避免、減少與極小化浪費、丟棄、流失或丟棄漁具之捕獲、非目標物種（魚類及非魚類）之捕獲及對相關或從屬魚種之衝擊，特別是瀕危物種；

(h) 通過適當的措施以防止或消除過漁及過剩之漁撈能力，並確保漁獲努力量之水平不超過與本公約涵蓋的魚類種群可持續利用相稱之水平；

(i) 制定一個應包括由委員會決定其必要成分之資料蒐集及監控的綜合計畫，每一委員會會員亦得保有與委員會所通過之方針一致的個別計畫；

(j) 確保依據本款(a)至(i)項制定將通過的措施時，適當考量依據 AIDCP 所通過措施在協調及相容性之需要；

(k) 在確切可行範圍內，促進推廣發展及使用具選擇性、環境安全與成本效益的漁具及技術及其他相關活動，除其他外，包括技術轉移與訓練相連結之活動；

(l) 有所需要時，考慮所有相關因素後，制定標準及決定分配總可捕量或包括裝載量之總可容許漁撈能力或漁獲努力量水平；

(m) 依據本公約第四條規定適用預防性作法。倘委員會在如本公約第四條第 2 款所述欠缺足夠的科學資訊情況下，適用依據預防性作法制定措施，

應儘早着手取得維持或修正這類措施必需之科學資訊；

(n) 促進適用任何有關行為準則條款，及其他相關國際文書，除其他外，包括在行為準則架構下糧農組織所通過之國際行動計畫；

(o) 指派委員會之秘書長；

(p) 核准委員會工作計畫；

(q) 依據本公約第十四條規定，核准委員會預算；

(r) 核准過去預算年度之帳目；

(s) 通過或修正其議事規則、財務規定及執行其功能所必要之其他內部行政規定；

(t) 考慮到本公約第十四條第 3 款之規定，提供 AIDCP 秘書工作；

(u) 有所需要時，設立附屬機構；

(v) 根據相關資訊，包括可得之最佳科學資訊，通過為達成本公約宗旨所需之任何其他措施或建議，包括符合國際法之無歧視及透明化措施，以防止、阻止及消除損害本公約通過之養護與管理措施有效性的活動。

2. 委員會應維持適任本公約事務之職員，由秘書長督導，包括行政、科學及技術領域等人員，並確保其應包含有效率及有效益的適用本公約之全部所需職員。委員會應尋覓可得之最適任人員，並在公平基礎上，於招募職員時，妥為顧及促進委員會會員廣泛代表及參與之重要性。

3. 於考量科學職員處理科學事務之工作計畫準則時，委員會應考量，除其他外，依據本公約第十一條設立之科學諮詢次委員會的意見、建議與報告。

第八條 委員會會議

1. 委員會之常會應至少一年一次，在委員會同意之地點及日期召開。

2. 有所需要時，委員會得召開特別會議，此等會議應在最少二個委員會會員提出請求，並經多數會員支持下召開。

3. 委員會會議僅應在達法定人數下召開，三分之二委員會會員出席為達法定人數，本規定應同樣適用在本公約下成立之附屬機構的會議。

4. 會議應以英語及西班牙語進行，委員會文件亦應以該兩種語文製作。

5. 除另有決定者外，會員應從本公約之不同締約方中選出主席及副主席，其任期一年，並應維持其職位直至繼任者經選出為止。

第九條 決策

1. 除另有規定，委員會依照本公約第八條所召開會議之所有決議，應由系爭會議出席之會員以共識決決定。

2. 有關通過本公約及其附件修正案之決議及依據本公約第三十條(c)款之加入本公約之邀請，應由所有締約方以共識決決定之。在此情況下，會議

主席應確保所有委員會會員均有機會對所提議案表達意見，締約方應考量該等意見後達成最後決定。

3. 以下事項之決議應由委員會會員以共識決決定：

(a) 委員會預算之通過及修正，及決定會員分攤方式與比例；

(b) 有關本公約第七條第 1 款(l)項之議題。

4. 有關本條第 2 款及第 3 款所指之決定，倘一締約方或委員會會員，視情況而定，未出席系爭會議且未依本條第 6 款送交通知書者，秘書長應通知該締約方或會員該次會議所採之決定，倘該締約方或會員在收到通知 30 天內，秘書長仍未收到該締約方或會員之回應，此締約方或會員應被認為對系爭決議已加入共識決，倘在 30 天期間內，此締約方或會員以書面回應對係爭決定不加入共識決，則此決定應不具效力，委員會應在最早的機會尋求達成共識決。

5. 當缺席締約方或委員會會員未依本條第 4 款，通知秘書長不加入對該會議所採決定之共識決，倘同一議題列入下次會議之議程上，而該會員仍缺席，則此會員不得就該同一議題之共識決提出反對。

6. 倘一委員會會員受到其無法控制之非常與不可預期情況，而無法出席委員會會議時：

(a) 倘有可能，應在會議召開前或在最早可能的機會，以書面通知秘書長，該通知應自秘書長向該相關會員回覆已接獲通知時起生效；及

(b) 秘書長應隨後及儘早通知該會員該次會議依本條第 1 款所採之所有決定；

(c) 在本款(b)項所指之通知 30 天內，該會員得以書面通知秘書長，其不能參加一個或多個決定之共識決。在此情況下，該一個或多個相關決定應無效，委員會應在最早的機會尋求達成共識決。

7. 除本公約另有指定或在決定通過時另同意者外，委員會依本公約所通過之決定，應在會員收到通知 45 天後拘束所有會員。

第十條 委員會所通過措施履行審查次委員會

1. 委員會應設立委員會所通過措施履行審查次委員會，該審查次委員會應由委員會各會員所指派代表組成，其可由該會員認為適當的專家及顧問陪同與會。

2. 審查次委員會之功能應如本公約附件三所定。

3. 在執行其功能時，於適合情況下並經委員會同意，審查次委員會得諮詢任何其他就該事項擁有權限之漁業管理、技術或科學組織，並得就個案之所需，尋求專家建議。

4. 審查次委員會應致力尋求以共識決方式通過其報告及建議，倘經一切努力無法達成共識決，該報告應指明，並反映多數方與少數方之意見。應審查次委員會任何會員之請求，該會員對報告全部或任何部分之意見亦應予以反映。

5. 審查次委員會一年至少應召開一次會議，最好在委員會常會會議期間。

6. 審查次委員會得應不少於 2 個會員之請求，在多數會員支持下，召開增列會議。

7. 審查次委員會應依據委員會所通過之議事規則、指導方針及指令，執行其功能。

8. 為支援審查次委員會之工作，委員會職員應：

(a) 依據委員會制定之程序，蒐集審查次委員會之工作所需的資訊及發展資料庫；

(b) 審查次委員會為執行其功能，認為有需要時，提供該等統計分析；

(c) 準備審查次委員會之報告；

(d) 發送審查次委員會會員所有有關的資訊，特別是本條第 8 款(a)項所列者。

第十一條 科學諮詢次委員會

1. 委員會應設立科學諮詢次委員會，由委員會會員指派之具有適當資格或在該委員會之權限領域有相關經驗之代表所組成，其可由該會員認為適當的專家及顧問陪同與會。

2. 委員會得邀請對委員會工作相關事宜具有公認的科學經驗之組織或個人，參與科學諮詢次委員會之工作。

3. 科學諮詢次委員會之功能應如本公約附件四所定。

4. 科學諮詢次委員會一年至少應召開一次會議，最好在委員會會議之前。

5. 科學諮詢次委員會得應不少於 2 個會員之請求，在多數會員支持下，召開增列會議。

6. 秘書長應擔任科學諮詢次委員會之主席，或在委員會同意下，將該職務另行委派。

7. 科學諮詢次委員會應致力以共識決通過其報告及建議，倘經一切努力無法達成共識決，該報告應予以指明，並反映多數方與少數方之意見。應科學諮詢次委員會任何會員之請求，該會員對報告全部或任何部分之意見亦應予以反映。

第十二條 行政

1. 委員會應依據所通過議事規則並考慮依議事規則制定之基準任命秘書長一名，其在本公約範圍內之能力已然確立且備受肯定，特別是在科學、技術及行政方面。其應對委員會負責，委員會就其任免得斟酌決定，秘書長任期應為四年，倘經委員會決定，得連續被任命。

2. 秘書長應具有以下之職權：

(a) 為委員會準備研究方案及計畫；

(b) 為委員會準備歲入歲出預算；

(c) 授權為執行委員會通過之工作計畫及預算經費之支出，並結算經費之使用；

(d) 依據委員會通過之議事規則，就委員會的功能需要，指派、免職及督導行政、科學、技術及其他職員；

(e) 當對委員會有效率運作適宜時，得依據本條第 2 款(d)項規定指派科學研究協調者，其應在秘書長指導下運作，秘書長認定適當時，應指定科學研究協調者之職權及責任；

(f) 執行委員會功能所需時，且適當時，安排與其他組織或個人合作；

(g) 協調經秘書長安排之其他組織及個人與委員會間工作之合作；

(h) 為委員會草擬行政、科學及其他報告；

(i) 在與委員會會員諮商及考量其提議後，為委員會及其附屬機構草擬議程及召開會議，並提供此等會議行政及技術支援；

(j) 確保委員會所通過且有效之養護與管理措施之發布及散發，並儘可行地保存及散發其他委員會會員所通過適用於公約區域內，現行有效的養護與管理措施之紀錄；

(k) 除其他外，根據本公約附件一提供予委員會之資訊，確保在公約區域作業船舶記錄之維持，並定期將此紀錄所載資訊傳送予所有委員會會員，並應個別會員所請提供之；

(l) 作為委員會法定代表；

(m) 執行為確保委員會有效率及有效益運作所需要之其他職權及其他由委員會所指定者。

3. 為履行其職權，秘書長及委員會之職員不應以可能與其身分或本公約目標與規定不一致之方式行事，亦不得在本公約涵蓋的魚類種群之調查、研究、勘探、開發、加工與行銷活動上有任何財務利益。相同的，在其受僱於委員會及往後，對受僱期間獲得或取得之任何機密資訊應予保密。

第十三條 科學職員

科學職員應在秘書長及依據本公約第十二條第二款(d)及(e)項指派之科學研究協調者監督下工作，並優先考量鮪類及類鮪類，具有以下之職權：

(a) 從事委員會依本目的所通過之工作計畫所核准的科學研究計畫及其他研究活動；

(b) 在與科學諮詢次委員會諮商後，透過秘書長提供委員會科學意見及建議，以支持養護與管理措施及其他相關事項之擬定，但因明顯時間限制，秘書長無法適時提供委員會此等意見或建議時不在此限；

(c) 提供科學諮詢次委員會執行本公約附件四所定功能所需之資訊；

(d) 透過秘書長提供委員會為支援依據本公約第七條第 1 款(a)項委員會之功能的科學研究建議案；

(e) 蒐集並分析有關本公約涵蓋的魚類種群族群之目前及過去狀況及趨勢的資訊；

(f) 透過秘書長提供委員會公約涵蓋的魚類種群之漁業相關資料蒐集、核實與適時交換與彙報的提議標準；

(g) 蒐集有關本公約涵蓋的魚類種群及公約區域內漁船作業之統計資料及所有各類報告，及有關此等種群之漁業資訊，且適當時，包括社會及經濟情勢；

(h) 研究並評估維持與增加本公約涵蓋的魚類種群有關方法及程序之資訊；

(i) 確保符合本公約第二十二條規定之保密原則下，發表或散發本公約範圍內之發現及其他報告，以及科學、統計及其他有關本公約涵蓋的魚類種群之漁業資料；

(j) 執行其他可能經指定之職權及任務。

第十四條 預算

1. 委員會每年應依本公約第九條第 3 款之規定通過下一年度預算。在決定預算額度時，委員會應適當考量成本效益原則。

2. 秘書長應向委員會提交年度詳細預算草案供其考量，其中並應敘明依照本公約第十五條第 1 款規定所提及之分攤金額及第十五條第 3 款所提及者。

3. 委員會應對從事本公約及「AIDCP」之活動維持個別之帳戶，提供「AIDCP」服務及其預估費用應載於委員會預算中。在提供服務前一年，秘書長應估算執行協定應執行工作之服務及其費用給 AIDCP 締約方會議，以獲其核准。

4. 委員會帳目每年應受獨立之財務稽核。

第十五條 會費

1. 委員會應以根據本公約第九條第 3 款規定所通過，及必要時修訂的方案決定各會員預算之會費分攤。委員會通過之方案應對所有會員透明及公平，並應列入委員會之財務規章中。

2. 依據本條第 1 款規定同意之會費，應能夠使委員會運作和及時地足敷依照本公約第十四條第 1 款規定通過之年度預算。

3. 委員會應設立一基金，接受對本公約涵蓋的魚類種群及酌情相關或附屬魚種的研究及養護，以及海洋環境養護的自願性捐助。

4. 不計及本公約第九條條款，除委員會另有決定者外，倘委員會一會員拖欠會費相等於或超過其前 24 個月總會費，該會員應喪失參與委員會決策之權利，直到其已履行本條規定之義務為止。

5. 委員會所有會員應自行負擔參加委員會及其附屬機構會議所生之

費用。

第十六條 透明度

1. 委員會應透過以下方式，除其他外，促進在履行本公約決策過程及其他活動之透明度：

(a) 公開散發相關非機密資訊；及

(b) 視適當時，便利與非政府組織、漁業界代表，特別是漁船隊及其他利害相關各方諮商，及其有效之參與。

2. 非締約方、相關政府間組織及非政府組織等之代表，包括公認在有關委員會事宜具有經驗之環境組織及在公約區域內作業任何委員會會員之鮪魚產業，特別是鮪漁船隊，應依本公約附件 2 制訂之原則及基準及其他委員會得通過之原則及基準，賦予機會讓其酌情以觀察員或其他身分參與委員會及附屬機關之會議。在委員會所通過有關取得該等資訊之保密規則與程序規則之規範下，該等與會者應可及時取得相關資訊。

第四部分 委員會會員之權利與義務

第十七條 國家之權利

本公約所有條款，不得被解釋為損及或損害任何國家根據國際法所得行使之主權、主權權利或管轄權，及其有關海洋法事宜之立場或意見。

第十八條 締約方之履行、遵守與執行

1. 每一締約方應採取必要措施，包括制定必要的法律及規定等，以確保履行及遵守本公約與依本公約通過之所有養護與管理措施。

2. 每一締約方應提供委員會所有可能為實現本公約宗旨所需要之資訊，包括統計及生物資訊與有關其所屬船舶在公約區域內漁撈活動之資訊，並應在委員會要求及酌情受本公約第二十二條條款所規範及依據委員會日後發展及通過之議事規則，提供委員會有關履行依據本公約通過之措施所採取行動的資訊。

3. 每一締約方應迅速透過秘書長通知依本公約第十條條款所設立之「委員會所通過措施履行審查次委員會」以下事項：

(a) 可適用於遵守委員會通過之養護與管理措施之法律及行政規定，包括有關違規及制裁之規定；

(b) 為確保遵守委員會通過之養護與管理措施所採取之行動，倘合適的話，包括個案分析及所做的最後決定。

4. 每一締約方應：

(a) 受任何適用之保密規則所規範，授權使用及釋出委員會或國家計畫之海上觀察員所記錄之相關資訊；

(b) 確保船主及/或船長准許委員會，依據委員會通過之議事規則，蒐集並分析「委員會所通過措施履行審查次委員會」在執行其功能所需之資訊；

(c) 每 6 個月提供委員會有關其所屬鮪漁船活動之報告及其他任何對「委員會所通過措施履行審查次委員會」工作所需要之資訊。

5. 每一締約方應採取措施，確保在其國家管轄水域內作業之船舶遵守本公約及依據本公約所通過之措施。

6. 每一締約方倘有合理之理由相信懸掛其他國家旗幟之船舶從事有損公約區域所通過之養護與管理措施有效性的任何活動，應促請相關船旗國重視此事項，並得酌情促請委員會重視此等事件。系爭之締約方應提供船旗國完整的佐證，並得提供委員會一份此等證據之摘要報告。在合理期間內，在該船旗國有機會對指控及送交供其考量之證據提出意見，或視案情反對前，委員會不應分發此等資訊。

7. 每一締約方應委員會或其他締約方請求，在獲得其管轄之船舶曾從事違反依據本公約通過之措施的相關資訊時，應進行徹底調查，倘適當的話，依其國內法起訴，並儘速通知委員會，及倘適用的話，通知其他締約方有關其調查之結果與採取之行動。

8. 每一締約方應依其國內法及與國際法一致之方式，採取足夠嚴厲之有效制裁，使本公約條款及依本公約通過之措施獲得遵守，並剝奪違反者從非法活動所獲利益，包括視情節拒絕、中止或撤銷捕撈許可。

9. 其海岸線與公約區域相鄰或其船舶捕撈公約涵蓋的魚類種群或在其領土內卸魚及加工之締約方，為確保遵守本公約及施行委員會通過之養護與管理措施，應相互合作，酌情包括透過通過合作措施與方案。

10. 倘委員會決定在公約區域內作業船舶曾從事有損委員會通過之養護與管理措施之有效性，或違反委員會通過之養護與管理措施，該締約方得依據委員會通過之建議及在符合本公約與國際法下，採取行動阻止此等船舶從事該等活動，直到船旗國採取適當行動確保此等船舶不再繼續該等活動為止。

第十九條 捕魚實體之履行、遵守及執行

本公約第十八條比照適用於係委員會會員之捕魚實體。

第二十條 船旗國之責任

1. 每一締約方應依據國際法採取有所需要之措施，以確保懸掛其旗幟之船舶遵守本公約之規定及依據本公約通過之養護與管理措施，及確保此等船舶不從事任何有損此等措施有效性的活動。

2. 締約方不應准許使用任何有權懸掛其旗幟之船舶捕撈本公約涵蓋的魚類種群，除非該船舶已獲得該締約方適當主管機關之授權。締約方僅在能有效行使依據本公約對懸掛其旗幟船舶責任情況下，始得核准此類船舶在公約區域內使用。

3. 除依據本條第 1 款及第 2 款之義務外，每一締約方應採取可能需要的措施，以確保懸掛其旗幟之船舶不在公約區域內任何其他國家主權或國家管轄區域內捕魚，除非有該國之有關主管機關核發之執照、許可或授權。

第二十一條 捕魚實體之責任

本公約第二十條比照適用於係委員會會員之捕魚實體。

第五部分 保密

第二十二條 保密

1. 委員會應就根據本公約對獲准取得資訊之所有機構及個人制定保密規則。

2. 儘管依據本條第 1 款所通過之任何保密規則，倘相關主管機關提出請求，任何取得此等機密資訊者，得透露與法律或行政訴訟有關之此等資訊。

第六部分 合作

第二十三條 合作與協助

1. 委員會應尋求通過有關技術協助、技術轉讓、訓練及其他型式合作之措施，以協助委員會會員並為開發中國家者履行本公約之義務，以及在永續之基礎上，加強發展在其個別國家管轄海域內之漁業及參與公海漁業之能力。

2. 委員會會員應便利及促進合作，特別是有效履行本條第 1 款所需要之財務及技術及技術轉移之此等合作。

第二十四條 與其他組織或安排之合作

1. 委員會應與其他次區域性、區域性及全球性漁業組織及安排合作，並酌情在與該等組織或安排達成協議時，應建立相關制度上之安排，如諮詢次委員會，旨在促進達成本公約之目標、獲得最佳可得之科學資訊及避免工作上之重複。

2. 委員會在與相關組織或安排達成協議時，應通過依據本條第 1 款建立之制度上安排之作業規則。

3. 在公約區域與其他漁業管理組織之管理區域重疊時，委員會應與該等其他組織合作，以確保本公約目標之達成。為此目的，委員會應透過磋商或其他安排努力在採行相關措施上與其他組織達成協議，以確保委員會及其他組織通過之養護與管理措施一致性及相容性，或酌情決定應採委員會或該其他組織之措施，以避免對另一組織已規範之魚種再採取措施。

4. 本條第 3 款條款之規定，應酌情適用於當魚類種群洄游通過委員

會及另一個或多個組織或多個安排之審視區域。

第七部分 爭端之解決

第二十五條 爭端之解決

1. 委員會會員間應互相合作以預防爭端。任一會員得與另一個或多個會員諮商有關本公約條款解釋或適用所引起之爭端，以儘速達成可滿足各方的解決。

2. 倘爭端無法在合理期間內透過諮商解決，系爭會員應儘快依國際法以各方均同意之和平方法協商以解決爭端。

3. 在委員會二個或更多會員同意彼此間有技術性爭端，且無法自行解決此爭端之情形，在相互同意下，得將該爭端提交依據委員會為此目的所制定之程序，且在委員會架構下設立之不具約束力之特設專家小組。該小組應與有關會員磋商，在不訴諸具拘束力之爭端解決程序的情形下，迅速解決該爭端。

第八部分 非會員

第二十六條 非會員

1. 委員會及其會員應鼓勵本公約第二十七條所提到的所有國家及區域性經濟整合組織，及視適合本公約第二十八條所提及的捕魚實體，仍未成為委員會會員者，成為會員或採行與本公約一致之法律及規章。

2. 委員會會員間應直接或透過委員會，交換有關損害本公約成效非會員船舶活動之資訊。

3. 委員會及其會員應在符合本公約及國際法規定下互相合作，共同阻止非會員船舶進行損害本公成效之活動。各會員為此目的，除其他外，應促請非會員重視其船舶此等活動。

第九部分 最後條款

第二十七條 簽署

1. 本公約應自 2003 年 11 月 14 日至 2004 年 12 月 31 日在華盛頓特區開放供簽署：

(a) 1949 年公約締約方；

(b) 其海岸線鄰接公約區域之非 1949 年公約締約方國家；及

(c) 非 1949 年公約締約方之國家及區域性經濟整合組織，其所屬漁船在本公約通過前四年內任何時間曾捕撈公約涵蓋的魚類種群及曾參加本公約之談判；及

(d) 在與 1949 年公約締約方諮商後，其他非 1949 年公約締約方之國

家，其所屬漁船在本公約通過前四年內任何時間曾捕撈公約涵蓋的魚類種群者。

2. 本條第 1 款規定提及之有關區域性經濟整合組織，其會員國不得簽署本公約，其代表該組織條約制定範圍以外的領地不在此限，且該會員國之參與僅限於代表該領地之利益。

第二十八條 捕魚實體

1. 任何捕魚實體，其所屬漁船在本公約通過前四年內任何時間曾捕撈公約涵蓋的魚類種群，得藉由以下方式表達其堅定承諾遵守公約條件及依公約通過之養護與管理措施：

(a) 在依照本公約第二十七條第 1 款規定期限內，依照委員會根據 1949 年公約通過的一項決議案，簽署一份以此效力草擬之文書；及/或

(b) 在上述期間內或之後，依照委員會根據 1949 年公約通過的一項決議，提供一份書面通信給保管者，該保管者應立即將該份通信之謄本提供給所有簽署方及締約方。

2. 依據本條第 1 款規定所表達之承諾，應自依照本公約第三十一條第 1 款規定日期，或依照本條第 1 款之書面通信日期生效，以日期後者為準。

3. 前述任何捕魚實體得依據本條第 1 款所述之決議，以書面通知保管機關表達其堅定承諾遵守依據本公約第三十四條第 3 款及第三十五條第 4 款所修正之公約條件。

4. 依據本條第 3 款表達之承諾應自本公約第三十四條第 3 款及第三十五條第 4 款所提及之日期，或依據本條第 3 款所提及之通信日期生效，以日期後者為準。

第二十九條 批准、接受或同意

簽署方對本公約之批准、接受或同意，依照其國內法律及程序。

第三十條 加入

本公約應持續開放下列任何國家或區域性經濟整合組織加入：

(a) 符合本公約第二十七條規定者；或

(b) 經與締約方諮商後，其所屬漁船捕撈公約涵蓋的魚類種群者；或

(c) 依締約方之決定為根據經邀請加入者。

第三十一條 生效

1. 本公約在 1949 年公約締約方開放簽署本公約之日仍為 1949 年公約締約方者，交存第七份批准、接受、同意或加入之文書給保管機關 15 個月後生效。

2. 在本公約生效後，對符合本公約第二十七條或本公約第三十條規

定之國家或區域性經濟整合組織，本公約應在所述國家或區域性經濟整合組織交存批准、接受、同意或加入之文書後之第 30 天對其生效。

3. 本公約生效後，在本公約及 1949 年公約締約方間，本公約效力應優於 1949 年公約。

4. 在本公約生效後，委員會依 1949 年公約通過之養護與管理措施以及其他安排，除經委員會決定中止，或由依本公約通過之措施或安排所取代外，應持續有效直至期滿。

5. 在本公約生效之時，1949 年公約締約方尚未同意受本公約拘束者，除該締約方在本公約生效之前以書面方式通知保管機關其不繼續為委員會會員外，仍應視為委員會會員。

6. 在本公約對所有 1949 年公約締約方生效之時，依據如維也納條約法公約第 59 條所反映之相關國際法規則，1949 年公約應被視為終止。

第三十二條 暫時適用

1. 依據其法律及規章，符合本公約第二十七條或三十條規定之一國或區域性經濟整合組織，得以書面方式通知保管機關暫時適用本公約；此等暫時適用應在公約生效日與保管機關收到書面通知日生效，以日期後者為準。

2. 本條第 1 款所述國家或區域性經濟整合組織對本公約之暫時適用，應在本公約對其生效或其以書面方式通知保管機關其有意終止暫時適用時終止。

第三十三條 保留

對本公約不得作出保留。

第三十四條 修正

1. 任何委員會會員最少在委員會會議召開 60 天前，得向秘書長提交提議公約修正案案文。秘書長應迅速提供所有會員該修正案文之副本。

2. 公約之修正應依據本公約第九條第 2 款規定通過。

3. 本公約之修正應在當時公約所有締約方於通過修正後向保管機關存放批准、接受或同意之文書 90 天後生效。

4. 在公約或其附件修正生效後，成為締約方之國家或區域性經濟整合組織，應視為修正後公約之締約方。

第三十五條 附件

1. 本公約之附件成為本公約不可區分之部分，除另有明文規定者外，凡述及本公約即包括其附件。

2. 任何委員會會員在委員會會議召開最少 60 天前，得向秘書長提交提議附件修正案之案文。秘書長應迅速提供所有會員該修正案案文之副本。

3. 附件之修正應根據本公約第九條第 2 款通過。

4. 除另有協議者外，附件之修正應在根據本條第 3 款通過後 90 天對所有委員會會員生效。

第三十六條 退出

1. 任何締約方得在本公約對其生效 12 個月後任何時間，向保管機關送交退出本公約之書面通知。保管機關應在收到該通知後 30 天內通知其他締約方，該項退出應自保管機關接獲該通知後 6 個月起生效。

2. 本條比照適用於任何依本公約第二十八條所作承諾之捕魚實體。

第三十七條 保管機關

本公約正本應存放於美利堅合眾國政府，其應將正式副本送公約簽署方與締約方，以及依聯合國憲章第一〇二條送聯合國秘書長登記與公布。

為此，下列全權代表，各秉本國政府正式授權，爰於公約上簽字，以昭信守。

公元 2003 年 11 月 14 日訂於華盛頓特區，以英文、西班牙及法文簽訂，三種語文版本同一作準。

附件一 建立船舶紀錄之指導方針及標準

1. 在適用本公約第十二條第 2 款(k)項之情況下，每一締約方應保有懸掛其旗幟及核准在公約區域內捕撈公約涵蓋的魚類種群之船舶紀錄，並應確保所有此等船舶之以下資訊記載在紀錄中：

(a) 船名、註冊號碼、先前船名（倘知道）及註冊港；

(b) 顯示註冊號碼之船舶照片；

(c) 船主姓名與地址；

(d) 經營者及/或管理者（倘有的話）姓名與地址；

(e) 先前船籍（倘有及知道的話）；

(f) 國際無線電呼號（倘有的話）；

(g) 建造地及時間；

(h) 船舶類型；

(i) 漁法類型；

(j) 長度、橫樑及型深；

(k) 總船噸數；

(l) 主機馬力數；

(m) 船旗國核發捕撈許可之性質；

(n) 冷凍機類型、冷凍能力及魚艙數目及容量。

2. 委員會得基於船舶長度或其他特性，決定免除船舶之本附件第 1 款之要求。

3. 締約方應依照委員會所建立程序，提供秘書長本附件第 1 款之要求資訊，並應在此等資訊變更時迅速通知秘書長。

4. 締約方應迅速通知秘書長下列資訊：

(a) 任何紀錄的增加；

(b) 基於以下理由刪除紀錄：

i.船主或經營者自願放棄或未更新捕撈許可；

ii. 依據本公約第二十條第 2 款規定撤銷核發給漁船的捕撈許可；

iii. 船舶不再懸掛其旗幟之事實；

iv. 船舶解體、除役或滅失；及

v. 任何其他理由，並指明上列所適用的理由。

5. 本附件比照適用於係委員會會員之捕魚實體。

附件二 觀察員參加委員會會議之原則及標準

1. 依據本公約第八條，秘書長應邀請其工作與本公約之履行有關政府間組織，及對公約涵蓋的魚類種群養護及永續利用有興趣之非締約方，在其請求下，參與會議。

2. 本公約第十六條第 2 款所提及之非政府組織，得以觀察員身分參與所有委員會及其附屬機構依據本公約第八條所召開之會議，除行政會議或代表團團長會議外。

3. 任何非政府組織欲以觀察員參加委員會會議，應最遲在會議召開 50 天前通知秘書長其請求。秘書長應在會議召開 45 日前通知委員會會員此類非政府組織名稱併附本附件第 6 款指定之資訊。

4. 倘委員會會議在少於 50 天通知召開，秘書長應有更大彈性處理有關本附件第 3 款所定之時間範圍。

5. 非政府組織欲參加委員會及其附屬機構之會議，得准許每年按例參加，但受本附件第 7 款之限制。

6. 本附件第 3、4 及 5 款所提參與之請求，應包括該非政府組織名稱及辦公室地點，與其任務，及其任務和活動如何與委員會工作相關之敘述，倘有需要，此等資訊應更新之。

7. 非政府組織欲以觀察員參與會議得為之，除非最少有三分之一會員以書面理由表示反對是項參與。

8. 所有獲准參與委員會會議之觀察員，應被送交或被提供委員會會員一般均可取得之文件，除該文件含有商業機密資料者外。

9. 經同意參加委員會會議之觀察員得：

(a) 依據本附件第 2 款出席會議，但無投票權；

(b) 於會議中在主席邀請下提出口頭聲明；

(c) 經主席同意在會議分發文件；及

(d) 酌情參加其他為主席所同意之活動。

10. 秘書長得要求非締約方與非政府組織之觀察員繳交合理費用，及負擔因渠等與會所生成本。

11. 所有獲准參與委員會會議之觀察員，應遵守所有適用於其他與會者之規則與程序。

12. 任何非政府組織不遵守本附件第 11 款規定，除委員會另有決定者外，應排除繼續參加會議。

附件三 履行委員會所通過措施之審查次委員會

依據本公約第十條所設立之履行委員會所通過措施之審查次委員會，應具有以下功能：

(a) 審查及監測委員會所通過之養護與管理措施之遵守，與本公約第十八條第九款所提及之合作措施；

(b) 分析船旗別之資訊，或在船旗別資訊無法涵蓋相關事件時，則依船舶別及所有與執行其功能所需要之其他資訊；

(c) 提供委員會有關養護與管理措施之履行及遵守之資訊、技術意見及建議；

(d) 對提昇委員會會員間漁業管理措施相容性之方法向委員會提出建議；

(e) 對提昇有效履行本公約第十八條第十款之方法向委員會提出建議；

(f) 在與科學諮詢次委員會諮商後，對根據本公約第七條 1(i)款設立資料蒐集及監測計畫之優先順序與目標向委員會提出有關建議，並評定與估計這些計畫之結果；

(g) 執行其他由委員會所指定之其他任務。

附件四 科學諮詢次委員會

根據本公約第十一條設立之科學諮詢次委員會，應具有以下之功能：

(a) 審查委員會之計畫、提案及研究計畫，並提供委員會適當之意見；

(b) 審查任何相關評估、分析、研究或工作，以及在委員會作出考量前，由科學職員事先為委員會準備建議案，並依需要就該等事宜向委員會提供額外資訊、建議及意見；

(c) 對科學職員所提出作為未來工作部分項目之特定議題，向委員會提出建議；

(d) 在與履行委員會所通過之措施審查次委員會諮商後，對根據本公約第七條 1(i)款設立資料蒐集及監測計畫之優先順序與目標向委員會提出有關建議，並評定與估計這些計畫之結果；

(e) 協助委員會及秘書長找尋執行在本公約負責從事研究之資金；

(f) 透過委員會會員研究機構，發展及提昇會員間之合作，其目的在擴展對本公約涵蓋的魚類種群之知識與瞭解；

(g) 酌情提昇及促進委員會與其他具相同目標之國家及國際公營或私營組織之合作；

(h) 考量任何由委員會交付之事宜；

(i) 執行委員會要求或指定之其他功能及工作。

捕魚實體參與文書

The following fishing entity:

Considering that multilateral cooperation constitutes the most effective means for achieving the objectives of conservation and sustainable use of living marine resources;

Committed to ensuring the long-term conservation and the sustainable use of fish stocks covered by the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica ("Antigua Convention");

Recognizing the significant efforts and the outstanding achievements of the Inter-American Tropical Tuna Commission, as well as the importance of its work in the tuna fisheries in the Eastern Pacific Ocean;

Considering that the aforementioned objectives could best be achieved through the widest possible participation in the work of the Commission;

Considering the provisions of Article XXVIII of the Antigua Convention;

Hereby declares its firm commitment, subject to the transmittal of the written communication referred to in Article XXVIII, paragraph 1(b) of the Antigua Convention, drafted in accordance with Annex B of the *Resolution on the Adoption of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica* adopted by the Inter-American Tropical Tuna Commission, to:

(a) abide by the terms of the Antigua Convention and comply with any conservation and management measures adopted pursuant thereto;

(b) fulfil its obligations as a member of the Commission in accordance with the provisions of the Antigua Convention.

The original text of this instrument shall be deposited with the Government of the United States of America which shall send certified copies thereof to the signatories and the Parties.

IN WITNESS WHEREOF, the undersigned, having been duly authorized to that effect, has appended his or her signature hereto.

DONE at Washington, on this 14th day of November, 2003, in English and Spanish, both texts being equally authentic.

FOR CHINESE TAIPEI:

Chien-Jen Chen

捕魚實體參與文書

下列捕魚實體：

慮及多邊合作係構成達到海洋生物資源養護及永續利用目標的最有效方法；

承諾確保安地瓜公約（為強化依 1949 年美利堅合眾國與哥斯大黎加共和國間公約而成立之美洲熱帶鮪魚委員會公約）所涵蓋的魚類種群之長期養護與永續利用；

承認美洲熱帶鮪魚委員會之重大努力及卓越成就，以及其在東太平洋鮪漁場捕撈作業之重要性；

慮及須透過最可能地廣泛參與該委員會工作,方可最能達成上述目標；

慮及安地瓜公約第廿八條各項規定；

謹此，經遞交安地瓜公約第廿八條第一項（b）款所述，依據美洲熱帶鮪魚委員會所通過強化依 1949 年美利堅合眾國與哥斯大黎加共和國間公約而設立之美洲熱帶鮪魚委員會公約之決議附件 B 所擬書面通知，宣示以下堅定承諾：

（a） 遵守安地瓜公約規定及依該公約通過之任何養護與管理措施；

（b） 依據安地瓜公約規定，履行作為委員會會員之義務。

本文書正本將存放於美國政府，並由後者將正式副本分送公約簽署方與締約方。

為此，下列簽署代表，經合法授權謹此簽字，以昭信守。

公元 2003 年 11 月 14 日訂於華盛頓特區，以英文、西班牙及法文簽訂，三種語文版本同一作準。

中華台北

(中英文簽字)

程建人