

KIRIBATI GAZETTE

No. 5

Friday 29th May 1981

SUPPLEMENT No. 5

Legal Notice No. 20

FISHERIES ORDINANCE 1977
(no. 22 of 1977)

INTERNATIONAL AGREEMENTS (GOVERNMENT OF JAPAN) ORDER 1978

Made: 4th September, 1978

Laid before the House of Assembly: 5th September, 1978

Coming into operation:

The Minister of Natural Resource Development in exercise of the power conferred upon him by section 20(2) of the Fisheries Ordinance 1977 and of all other powers enabling him in that behalf hereby makes the following Order:

1. This Order may be cited as the International Agreements (Government of Japan) Order 1978; and shall come into operation on the date of commencement of the Fisheries (Amendment) Ordinance 1978.
2. The Agreement made on 26th June 1978 at Tokyo between the Government of the Gilbert Islands and the Government of Japan, with the consent of the Government of the UK, concerning fisheries off the coasts of the Gilbert Islands ("the Agreement") shall have effect notwithstanding any provision to the contrary of the Fisheries Ordinance 1977, and to the extent of any conflict between the Agreement and the Fisheries Ordinance 1977 the provisions of the Agreement shall prevail.
3. For the purposes of this Order, the Agreement is set out

in the Schedule to this Order.

Hon. TAOMATI T. IUTA
Minister for Natural
Resource Development

SCHEDULE

Agreement between the Government of the Gilbert Islands and the Government of Japan concerning Fisheries off the Coasts of the Gilbert Islands

The Government of the Gilbert Islands with the authority and consent of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Japan,

Considering their common concern for the rational management, conservation and optimum utilisation of fishery resources off the coasts of the Gilbert Islands,

Recognising that the Gilbert Islands is a developing country whose major resources are the fishery resources in the sea around its territories, and that development in the field of fisheries is of vital necessity for the Gilbert Islands,

Recognising that the Government of the Gilbert Islands has jurisdiction in respect of fishery resources within the Fishery Limits as defined by the Proclamation by the Governor of the Gilbert Islands dated 10 March 1978 (hereinafter referred to as "the Fishery Limits"),

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

Affirming their wish to establish mutually beneficial cooperation in the field of fisheries and in this way to contribute to friendly relations between the Gilbert Islands and Japan,

Have agreed as follows:

ARTICLE I

Fishing by nationals and fishing vessels of Japan within Fishery Limits shall be conducted in accordance with the relevant laws and regulations of the Gilbert Islands with regard to the Fishery Limits and with this Agreement.

ARTICLE II

The Government of the Gilbert Islands and the Government of Japan shall hold consultations regarding the implementation of this Agreement and the amendments to be made by the Government of the Gilbert Islands in accordance with Article III of this Agreement.

ARTICLE III

The Government of the Gilbert Islands shall determine each year, taking into account consultations with the Government of Japan referred to in Article II of this Agreement, on the basis of the best available scientific evidence, such measures with respect to the conduct of fishing by nationals and fishing vessels of Japan within the Fishery Limits.

The Government of the Gilbert Islands shall notify the Government of Japan of the determinations referred to in paragraph 1 of this Article on a regular basis.

ARTICLE IV

The Government of the Gilbert Islands shall issue, in accordance with the relevant laws and regulations of the Gilbert Islands with regard to the Fishery Limits, licences on receipt of fees at such reasonable rates as may be agreed

upon with the Government of Japan, to enable fishing vessels of Japan to engage in fishing in the Fishery Limits.

ARTICLE V

The Government of Japan shall ensure, in accordance with the relevant laws and regulations of Japan, that fishing vessels of Japan unless licensed under this Agreement shall not engage in fishing within the Fishery Limits and that nationals and fishing vessels of Japan engaging in fishing under this Agreement comply with the provisions of this Agreement.

ARTICLE VI

1. In cases of arrest or seizure by the authorities of the Gilbert Islands of nationals or fishing vessels of Japan which do not comply with the provisions of this Agreement, notification shall be given promptly informing the Government of Japan of the action taken.

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

ARTICLE VII

The Government of the Gilbert Islands may impose reasonable fines on nationals and fishing vessels of Japan which do not comply with the provisions of this Agreement.

ARTICLE VIII

The Government of the Gilbert Islands and the Government of Japan shall promote the objective of conservation and optimum utilization of the resources of tuna and tuna-like fishes of the Pacific Ocean including the waters off the coasts of the Gilbert Islands.

ARTICLE IX

Subject to the availability of facilities and the needs of Gilbert Islands vessels, the Government of the Gilbert

Islands undertakes to authorise Japanese vessels to enter Gilbert Islands ports in accordance with the relevant laws, regulations and administrative requirements of the Gilbert Islands.

ARTICLE X

Nothing in this Agreement shall be deemed to affect international agreements on the conservation of fishery resources to which the Gilbert Islands and Japan are parties or to prejudice the position of either Government in regard to any question under negotiation at the Third United Nations Conference on the Law of the Sea.

ARTICLE XI

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

2. This Agreement shall remain in force until 25 June 1980 and shall continue in force thereafter until the expiration of six months from the day on which either Government shall give notice of its intention to terminate this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Tokyo on 26 June 1978, in duplicate in the English language.

For the Government of the Gilbert Islands: For the Government of Japan:

Signed: Taomati Signed: Shintao
Iuta Abe