

CONVENTION FOR THE CONSERVATION OF ANADROMOUS STOCKS IN THE NORTH PACIFIC OCEAN

The Parties to this Convention:

Recognizing that anadromous stocks in the North Pacific Ocean originate primarily in the waters of Canada, Japan, the Russian Federation and the United States of America; Recognizing that these stocks intermingle in certain areas of the North Pacific Ocean; Recognizing that States in whose waters anadromous stocks originate have the primary interest in and responsibility for such stocks;

Recognizing that fisheries for anadromous stocks should be conducted only in waters within 200 nautical miles of the baselines from which the breadth of the territorial sea is measured;

Recognizing that States of origin of anadromous stocks make expenditures and forego economic development opportunities to establish favourable conditions to conserve and manage those stocks;

Emphasizing the importance of scientific research for the conservation of anadromous stocks in the North Pacific Ocean;

Desiring to promote the acquisition, analysis and dissemination of scientific information pertaining to anadromous stocks and ecologically related species in the North Pacific Ocean;

Desiring to coordinate efforts to conserve anadromous stocks in the North Pacific Ocean; and

Desiring to establish an effective mechanism of international cooperation to promote the conservation of anadromous stocks in the North Pacific Ocean;

Have agreed as follows;

Article I

The area to which this Convention applies, hereinafter referred to as the “ Convention Area ”, shall be the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. It is understood that activities under this Convention, for scientific purposes, may extend farther southward in the North Pacific Ocean and its adjacent seas in areas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article II

For the purposes of this Convention:

1. “ Anadromous fish ” means the fish of anadromous species listed in Part I of the Annex which migrate into the Convention Area, and “ anadromous stocks ” means the stocks thereof.
2. “ Fish ” means finfish, mollusks, crustaceans and all other forms of marine animal and plant life other than marine mammals and birds.
3. “ Fishing ” means:
 - (a) the catching, taking or harvesting of fish, or any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
 - (b) any operation at sea in preparation for or in direct support of any activity described in sub-paragraph(a) above.
4. “ Directed fishing ” means fishing targeted at a particular species or stock of fish.
5. “ Incidental taking ” means catching, taking or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.
6. “ Ecologically related species ” means living marine species which are associated with anadromous stocks found in the Convention Area, including but not restricted to both predators and prey of anadromous stocks.
7. “ Original Parties ” means those States listed in paragraph I of Article XVII of this Convention, so long as such States are Parties to this Convention.

Article III

1. In the Convention Area:

- (a) directed fishing for anadromous fish shall be prohibited.
- (b) incidental taking of anadromous fish shall be minimized to the maximum extent practicable in accordance with Part II of the Annex.
- (c) the retention on board a fishing vessel of anadromous fish taken as an incidental taking in a fishing activity directed at non-anadromous fish shall be prohibited and any such anadromous fish shall be returned immediately to the sea.

2. The provisions of paragraph I of this Article shall not apply to fishing for scientific research purposes in accordance with Article VII of this Convention.

3. The Parties shall take appropriate measures, individually and collectively, in accordance

with international law and their respective domestic laws, to prevent trafficking in anadromous fish taken in violation of the prohibitions provided for in this Convention, and to penalize persons involved in such trafficking.

Article IV

1. The Parties agree to invite the attention of any State or entity not party to this Convention to any matter relating to the fishing activities of its nationals, residents or vessels which could affect adversely the conservation of anadromous stocks within the Convention Area.
2. The Parties agree to encourage any State or entity not party to this Convention to adopt laws and regulations consistent with the provisions of this Convention in regard to fishing operations conducted by its nationals, residents or vessels and to cooperate in the attainment of the objectives of this Convention.
3. Each Party shall take appropriate measures aimed at preventing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention.
4. The Parties shall cooperate in taking action, consistent with international law and their respective domestic laws, for the prevention by any State or entity not party to this Convention of any directed fishing for, and the minimization by such State or entity of any incidental taking of, anadromous fish by nationals, residents or vessels of such State or entity in the Convention Area.

Article V

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention.
2. Any Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:
 - (a) The duly authorized officials of any Party may board vessels of the other Parties which can be reasonably believed to be engaged in directed fishing for or incidental taking of anadromous fish to inspect equipment, logs, documents, catch and other articles and question the persons on board for the purpose of carrying out the provisions of this Convention. Such inspections and questioning shall be made so that the vessels suffer the minimum interference and inconvenience. Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.
 - (b) When any such person or vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel and further investigate the circumstances if necessary. The Party to which the official belongs

shall notify promptly the Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such person or vessel as promptly as practicable to the authorized officials of the Party to which such person or vessel belongs at a place to be agreed upon by both Parties. Provided, however, that when the Party which receives such notification cannot immediately accept delivery, the notifying Party may maintain such arrest or seizure within the Convention Area, or within any convenient port which has been previously identified by the notifying Party in a communication to the other Parties to this Convention and to which there has been no objection within sixty(60) days of receipt of the communication, until the authorized officials of the Party to which such person or vessel belongs accept delivery.

(c) When the Party which receives such notification accepts delivery, the authorized officials of that Party shall conduct the investigations necessary to obtain the evidence needed for appropriate actions, including but not limited to trial, with respect to the offense. They shall also take, for the remainder of the relevant fishing season, immediate action as necessary to ensure that the person or vessel concerned is prevented from conducting further operations in violation of the provisions of this Convention. The action taken may include the placement of an enforcement official on board the vessel, restriction of the area in which the vessel is permitted to operate, or exclusion of the vessel from the Convention Area.

(d) Only the authorities of the Party to which the above-mentioned person or vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Party having jurisdiction to try the offense and shall be taken into account, and utilized as appropriate, by the executive authority of that Party having jurisdiction to try the offense. Penalties provided for in the relevant laws and regulations of the Parties to this Convention shall be commensurate with the serious nature of the infractions, taking into account the proposals made by the Commission pursuant to paragraph 3 of Article IX.

3. The Parties shall take appropriate measures to ensure that their fishing vessels allow and assist boardings and inspections of such vessels carried out in accordance with the provisions of paragraph 2 of this Article by the duly authorized officials of any Party, and cooperate in such enforcement action as may be undertaken.

Article VI

1. The Parties shall cooperate in the exchange of information on any activities contrary to the provisions of this Convention.

2. The Parties shall cooperate in the exchange of information on enforcement action regarding anadromous fish taken contrary to the provisions of this Convention, and on the disposition of cases.

3. The Parties shall cooperate to exchange information regarding any directed fishing for and any incidental taking of anadromous fish in the Convention Area by nationals, residents and vessels of any State or entity not party to this Convention.

Article VII

1. The Parties shall cooperate in the conduct of scientific research in the North Pacific Ocean and its adjacent seas beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of the conservation of anadromous stocks including, as appropriate, scientific research on other ecologically related species.

2. With respect to fisheries and scientific research in the Convention Area, the Parties shall cooperate, as appropriate, in collecting, reporting and exchanging biostatistical information, fisheries data, including catch and fishing effort statistics, biological samples and other relevant data pertinent to the purposes of this Convention.

3. Notwithstanding the provisions of Article I, the Parties shall provide the Commission, upon its request, catch information, enhancement information, materials such as biological samples and other technical data or information related to anadromous stocks and ecologically related species, pertaining to areas adjacent to the Convention Area from which anadromous stocks migrate into the Convention Area.

4. The Parties shall develop appropriate cooperation programs, including scientific observer programs, to collect fishing information in the Convention Area for the purpose of scientific research on anadromous stocks and, as appropriate, ecologically related species.

5. Parties shall endeavour to cooperate in scientific exchanges such as seminars, workshops and, as appropriate, exchanges of scientific personnel necessary to achieve the objectives of this Convention.

6. The Parties shall submit to the Commission scientific research programs to be conducted by their nationals or vessels involving directed fishing for, or incidental takes of significant levels of, anadromous fish in the Convention Area sufficiently in advance of the conduct of such research to allow appropriate scientific review by all Parties. If all Parties that are States of origin, except for the requesting Party, notify the Commission within thirty (30) days of their receipt of the program from the Commission that they regard the fishing involved in such program to be a violation of paragraph 1 (a) or (b) of Article III, the program shall not be implemented pending a decision by the Commission.

7. The Parties agree that the taking of anadromous fish for scientific research purposes must be consistent with the needs of a scientific program and with the provisions of this Convention. The catches of anadromous fish taken in conjunction with any scientific research in the Convention Area should be reported to the Commission within nine months.

ARTICLE VIII

1. There is hereby established an international organization that shall be known as the North Pacific Anadromous Fish Commission, hereinafter referred to as the “ Commission. ”
2. The objective of the Commission is to promote the conservation of anadromous stocks in the Convention Area.
3. The Commission may consider matters related to the conservation of ecologically related species in the Convention Area.
4. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.
5. The headquarters of the Commission shall be located at Vancouver, Canada, or at such other location as may be decided by the Commission.
6. The official languages of the Commission shall be English, Japanese and Russian.
7. Each Party shall be a member of the Commission and may appoint to the Commission not more than three representatives who may be accompanied at the meetings of the Commission by experts and advisers.
8. The Commission shall establish such subordinate bodies as it deems necessary.
9. The Commission shall establish a Secretariat composed of an Executive Director and appropriate staff.
10. Each Party shall have one vote in the meeting of the Commission.
 - (a) Decisions of the Commission on all important matters shall be taken by consensus among all Parties that are States of origin of anadromous stocks which migrate into the Convention Area.
 - (b) Decisions of the Commission on all other matters shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.
 - (c) A matter shall be deemed to be important if any Party that is a State of origin of anadromous stocks which migrate into the Convention Area considers it to be important.
11. The Commission shall elect a President and a Vice-President, each of whom shall serve for a term of two years. They shall be eligible for re-election; provided that they shall not serve for more than four years in succession in each office. The President and the Vice-President shall not be representatives of the same Party.
12. The President of the Commission shall convene the regular annual meeting of the Commission at the headquarters of the Commission or at such other location as may be decided by the Commission.

13. The Commission shall meet at least once annually, the time and place to be determined by the Commission.
14. Any meeting of the Commission other than the regular annual meeting may be called by the President at such time and place as the President may determine, upon the request of a Party with the concurrence of another Party, provided that at least one of these two Parties is one of the original Parties.
15. The Commission shall adopt its rules of procedure.
16. The Commission shall adopt its financial rules.

Article IX

The Commission shall have the authority to:

1. Recommend to the Parties measures for the conservation of anadromous stocks and ecologically related species in the Convention Area;
2. Promote the exchange of information on any activities contrary to the provisions of this Convention, especially with respect to fishing for and trafficking in anadromous fish contrary to the provisions of Article III, as well as on responsive action taken by the Parties and, as appropriate, by any State or entity not party to this Convention;
3. Consider and make proposals to the Parties for the enactment of schedules of equivalent penalties for activities contrary to the provisions of this Convention;
4. Consider possible means to relieve the damage which may be suffered by a State of origin as a result of fishing in violation of this Convention and, for that purpose, develop methods to identify the origin of fish which may be taken in violation of this Convention;
5. Review and evaluate enforcement actions taken by the Parties in accordance with Article V, and recommend additional action to be taken by the Parties to ensure effective and diligent enforcement of the provisions of this Convention;
6. Promote the exchange of catch and effort information in respect of activities of Parties and, as appropriate, any State or entity not party to this Convention for conducting scientific research and for coordinating the collection, exchange and analysis of scientific data regarding anadromous stocks and ecologically related species, including data to identify the location of origin of anadromous stocks, and provide a forum for cooperation among the Parties with respect to such anadromous stocks and ecologically related species;
7. Consider and make proposals to the Parties for the enactment of a program for certificates of origin attesting that products of anadromous fish are from fish which were lawfully harvested;
8. Make recommendations to any Party with respect to scientific research activities within the Convention Area related to anadromous stocks and, as appropriate, ecologically related

species;

9. Cooperate, as appropriate, with relevant international organizations, inter alia, to obtain the best available information, including scientific advice, to further the attainment of the objectives of this Convention;

10. Where appropriate, invite any State or entity not party to this Convention to consult with the Commission with respect to matters relating to the conservation of anadromous stocks and ecologically related species in the Convention area;

11. Recommend amendments to this Convention and to the Annex to this Convention;

12. Recommend measures to avoid or reduce incidental taking of anadromous fish in the Convention Area; and

13. Recommend to the Parties any measures needed to further the attainment of the objectives of this Convention.

Article X

1. The Executive Director shall be appointed by the Commission and shall oversee the work of the Secretariat.

2. The Secretariat shall:

(a) provide administrative services to the Commission;

(b) compile and disseminate statistics and reports concerning anadromous stocks relevant to this Convention and ecologically related species; and

(c) perform such functions as follow from other provisions of this Convention or as the Commission may determine.

3. The conditions of employment of the Executive Director and staff shall be determined by the Commission.

4. The Executive Director shall appoint the Secretariat staff in accordance with staffing requirements approved by the Commission.

Article XI

1. Each Party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the Parties.

2. The Commission shall adopt an annual budget. The Executive Director shall transmit a draft budget to the Parties together with a schedule of contributions not later than sixty (60) days before the meeting of the Commission at which the budget is to be considered.

3. The budget shall be divided equally among the Parties.
4. The Executive Director shall notify each Party of its contribution. Contributions shall be paid not later than four months after the date of such notification, in the currency of the State in which the Commission headquarters are located.
5. A party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in paragraph 10 of Article VIII until it has fulfilled its obligations.

The financial affairs of the Commission shall be audited annually by external auditors to be selected by the Commission.

Article XII

1. Any Party may at any time propose an amendment to this Convention other than the Annex.
2. If one-third of the Parties request a meeting to discuss the proposed amendment referred to in paragraph 1 of this Article, the Depositary shall call such a meeting.
3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

Article XIII

1. The Annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the Annex.
2. The Annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties that are States of origin of anadromous stocks which migrate into the Convention Area of a proposed amendment to the Annex recommended by the Commission in accordance with paragraph 11 of Article IX.

(a) An amendment to the Annex shall enter into force for Parties that are States of origin of anadromous stocks which migrate into the Convention Area on the date upon which the Commission receives notification from all such Parties of their acceptance of the amendment.

(b) In the event that a Party that is not a State of origin has accepted an amendment to the Annex by the date referred to in sub-paragraph (a), it shall enter into force for that Party on that date. If a Party that is not a State of origin accepts an amendment to the Annex after the date referred to in sub-paragraph(a), it shall enter into force for that Party on the date upon which the Commission receives notification of its acceptance of the amendment.

3. The Commission shall notify all the Parties of the date of receipt of each notification of

acceptance of an amendment to the Annex.

Article XIV

Any Party may withdraw from this Convention twelve (12) months after the date on which it formally notifies the Depositary of its intention to withdraw.

Article XV

Nothing in this Convention shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party as well as its positions or views with respect to matters relating to the law of the sea.

Article XVI

The original of this Convention shall be deposited with the Government of the Russian Federation, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other Signatories and acceding States.

Article XVII

1. This Convention shall be open for signature by Canada, Japan, the Russian Federation and the United States of America, which are the major States of origin of anadromous stocks which migrate into the Convention Area.
2. This Convention is subject to ratification, acceptance or approval by these four States in accordance with their respective internal legal procedures, and will enter into force ninety (90) days after the date of deposit of the fourth instrument of ratification, acceptance or approval.

Article XVIII

After the entry into force of this Convention, at the invitation of the Original Parties by unanimous agreement, other States may accede to it. This Convention shall become effective for any such other State on the date of deposit of that State ' s instrument of accession.

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

DONE AT Moscow on February 11, 1992, in a single original, in the English, French, Japanese and Russian languages, each text being equally authentic.

ANNEX

I. SPECIES

Chum salmon *Oncorhynchus keta*

Coho salmon *Oncorhynchus kisutch*

Pink salmon *Oncorhynchus aorbuscha*

Sockeye salmon *Oncorhynchus nerks*

Chinook salmon *Oncorhynchus tshawytscha*

Cherry salmon *Oncorhynchus masou*

Steelhead trout *Oncorhynchus mykiss*

II. INCIDENTAL TAKING

1. Fisheries for non-anadromous fish shall be conducted in such times, areas and manners as to minimize the incidental taking of anadromous fish to the maximum extent practicable to reduce such incidental taking to insignificant levels.

2. When two or more Parties notify the Commission established under Article VIII that they believe a fishery is being conducted by nationals or vessels of a Party in the Convention Area contrary to this annex, the Commission shall convene a special meeting to consider the matter as soon as possible. The Parties who have notified the Commission shall be responsible for presenting the information on which they based such notification. The Party whose nationals or vessels are conducting the fishery in question shall be responsible for demonstrating that the fishery is not being conducted contrary to this Annex. If the Commission decides that a satisfactory demonstration has not been made, the fishery shall be suspended until it is demonstrated that the fishery will be conducted consistent with this Annex.