

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KIRIBATI AND THE DEEP
SEA FISHERIES ASSOCIATION OF THE REPUBLIC OF KOREA CONCERNING THE LICENSING
OF FISHING VESSELS OF THE REPUBLIC OF KOREA TO FISH WITHIN THE FISHERY
LIMITS OF THE REPUBLIC OF KIRIBATI

Having regard to the Agreement between the Government of the Republic of Kiribati and the Government of the Republic of Korea concerning fisheries off the coasts of the Republic of Kiribati signed in Tarawa on June 28, 1979 (hereinafter referred to as "the Fisheries Agreements") and to the Agreed Minutes of October 12, 1979 thereto attached the Government of the Republic of Kiribati (hereinafter referred to as "the Government") of the one part and the Korean Deep Sea Fisheries Association (hereinafter referred to as "the Association") of the other part have agreed as follows:

ARTICLE I

The Agreement (hereafter referred to as "the Licensing Agreement") shall have effect during the period from 12th December 1985 to 11th December 1986 (hereafter referred to as "the Period").

ARTICLE II

1. In consideration of the issue by the Government of licences in accordance with Paragraph 1 of Article IV below the Association shall pay to the Government a fee of four Hundred Thousand United States Dollars (US\$400,000) for the Period.
2. The fee referred to in paragraph 1 of this Article is not refundable under any circumstance, whatsoever.

ARTICLE III

1. The fee referred to Article II shall be paid by the Association in two equal instalments the first to be paid by 1st February 1986 and the second by

1st June 1986 to the Government Account No. 1 with the Bank of Kiribati, Ltd.,
Tarawa, Republic of Kiribati.

2. All fees payable by the Association to the Government under this Agreement shall be paid free and clear of deductions or withholdings of any nature whatsoever. In the event that the Government of the Republic of Korea or its authorities concerned require the Association to make any deductions or withholdings of any nature whatsoever from any payment of fees to the Government under this Agreement, the sum due from the Association to the Government shall be increased to such extent that after making the said deduction or withholding, the Government shall receive a net sum equal to the sum which it would have received had no such deduction or withholding been required to be made.

ARTICLE IV

1. In consideration of the payment of fee referred to Article II above, the Government shall grant licences in accordance with the terms of this Agreements, to the member vessels of the Association, provided the number of vessels do not exceed 80 vessels. Beyond this number the Association shall pay Five Thousand United States Dollars (US\$5,000) per vessel.

2. Subject to the provisions herein contained, fishing by Korean longline vessels shall be permitted within the Fishery Limits if the vessels are registered and licenced with the Goernment and operated by members of the Association.

Registration form, as set out in Annex A shall be submitted to the Government before a Licence is issued.

3. Upon receipt of a registration and Licence application, the Government shall by cable or telex and within 5 days issue to the Association a Licence number for the applicant.
4. A Licence Certificate as set out Annex B and containing the conditions as set out in Annex C will be sent by mail to the Association.
5. Any Licence Certificate so issued in respect of a licenced vessel shall be issued to the captain of the licenced vessel and shall be displayed at the wheelhouse.
6. The captain of each licensed vessel engaged in fishing within the Fishery Limits shall carry his copy of the Licence Certificate on board the licensed vessel and shall produce it for inspection on demand by an officer duly authorised by the Government, provided that, where a licensed vessel is at sea prior to receipt of the Certificate, production of the Licence Certificate number shall be sufficient.
7. Should a licensed owner lose, sell his vessel or build a replacement vessel or the items in the License Certificate are to be a changed due to inheritance or other reasons during the period of validity of the Certificate a new Certificate may be issued for the remaining portion of the period of validity of the original Certificate. In such event the Original Certificate shall be cancelled and returned to the Government together with a copy of the new Certificate.

8. The transfer of License Certificates is prohibited, and except as provided in Paragraph 4 of this Article, no License Certificate which has been cancelled or revoked may be issued or re-issued to a licenced owner or any other person.

ARTICLE V

1. Fishing for Tuna and Tuna like species, bill fishes and species caught incidentally thereto and using longline method is permitted.

2. Purse seine fishing within the Fishery Limits is prohibited unless and until written notice to the contrary is given by the Government.

3. Fishing within the twelve miles territorial waters of the Republic of Kiribati is prohibited.

ARTICLE VI

1. The captain of a licensed vessel engaged in fishing within the Fishery Limits shall keep on board a daily upto-date record of the catch whilst within the Fishery Limits on the form as set out in Annex D (hereinafter referred to as "the Catch Report Form"). On entering the Fishery Limits, the captain shall maintain a record on the Catch Report Form of all of the information that the form requires while within the Fishery Limits on a daily basis until his final

departure from the Fishery Limits.

2. The Catch Report Form shall be kept current at all times and shall be produced on demand to any authorised officer or observer of the Government. Failure to produce complete and up-to-date catch report or the production of incomplete catch report shall constitute a contravention of the Licensing Agreement.

3. A licensee through the Association shall sign and despatch the signed catch report form(s) to the Chief Fisheries Officer as soon as possible after the completion of each fishing trip but in any case no later than 45 days of completion of each fishing trip.

4. For the purpose of discharging any obligation under this Agreement regarding the submission of a report after completion of a fishing trip, a fishing trip shall be deemed to be completed on the date on which-

(a) a vessel returns to its base and off-loads its catch either partially or otherwise, or

(b) a vessel arrives at its first port of call after leaving the Fisheries Limits and off-loads its catch either partially or otherwise, whichever first occurs; or

(c) there is any trans-shipment, i.e. there is a transfer of catch from one vessel to another or a transfer of catch otherwise than as mentioned in this Article.

5. Notwithstanding paragraph 4(c) of this Article, where a transshipment takes place on the high seas or in circumstances in which it would be impracticable to send a logsheet report a vessel shall first send a telex report showing details required in Annex E4; the logsheet report shall thereafter be air-mailed at the vessel's first port of call after leaving the Fisheries Limits.

ARTICLE VII

1. To facilitate surveillance and identification, all vessels within the Fishery Limits shall display their Radio Call Sign or Signal Letters on the top and both sides amidship of the vessel where it is clearly discernible from the air or sea.

2. In cases where the vessel does not possess a Radio Call Sign the Vessel Registration Number shall be displayed in the manner described above.

3. The letters and numbers shall be at least one metre high, forty centimetres wide per letter and the number coloured black on white background or other similar contrasting colours.

4. The Korean name of the vessel will be printed clearly in English on the bow and the stern of the vessel.

ARTICLE VIII

1. To facilitate timely and economic reporting, telex, cable or airmail communications to the Chief Fisheries Officer shall be used for the reports under this Article.

2. A validly licensed vessel shall report in the form as set out in Annex E1 on entry into the Fishery Limits, and in the form as set out in Annex E2 on departure from the Fishery Limits. In relation to the said report on departure from the Fishery Limits, such report shall specify the vessel's position, the total amount of fish on board and the catch for the days elapsed since either the entry report or the previous weekly report as the case may be in the form as set out in Annex E3.

3. The letters and numbers shall be at least one metre high, forty centimetres wide per letter and the number coloured black on white background or other similar contrasting colours.

4. The Korean name of the vessel will be printed clearly in English on the bow and the stern of the vessel.

APPROACH TO THE FEE DISCUSSIONS WITH KDSFA

NOVEMBER, 1986.

1. The fee discussions should be on a lump sum figure due to the following considerations:

- a. Still poor reporting performance,
- b. Kiribati budget considerations,
- c. Added administration burden on licencing unit not justified.

2. The data available to us at this stage, together with what is known of longliners shows that we can depend on the following parameters of the fee

CPT 1.1MT/DAY
AVG CLASS OF VESSELS IS 200-400GRT
FISHING DAYS PER MONTH IS at least 20days/mnth
FISHING MONTHS PER YEAR COULD BE AROUND 8-10 MONTHS
CATCH/VSL/TRIP IS 60MT (from logsheet)
TOTAL EXPECTED catch/vessel/year is 211mt.

3. Prices should reflect landing's location, thus,

Avg Pago Price(1985)--- US\$984/MT (weighted for sp.)
All tuna price(1986)--- Us\$2896/mt

There is anticipated increase in prices next year.

4. Formula

$60\text{vsl} * 1.0\text{mt/dy} * 20\text{fd/mnth} * 8\text{fm/y} * 50\%\text{in zone} * \$2896 * 10\%$

= \$1,390,000

80vsl gives 6400mt catch = \$1,850,000 or \$23,000 /vsl

5. If 50% of the vessels go to Pusan,

40vsl catching 3200mt @\$2896 at 10% levy gives \$926,000

40vsls " @ \$984 " \$314,000

Total \$1,240,000

We can gauge the situation of vessels from them.

6. Taking CPV of 60mt/trip, we have:

40vsl * 60 * 2 * .5 * 984 * .1 = \$236,160

40vsl * 60 * 2 * .5 * 2896 * .1 = \$695,000

\$832,000

If all vessels go to Pago Pago then,

80vsl * 60 * 2 * .5 * 984 * .1 = \$470,000

7. A starting position of US\$800,000 lump sum can be made

This represents \$10,000/vsl/yr.

Further fall back positions can be judged from the Korean response.

8. Fees per vessel can be from US\$10,000 - US\$6,000