

**PEOPLE'S REPUBLIC OF CHINA**

**Fisheries Off the United States Coasts**

*Agreement amending and extending the agreement of July 23,  
1985, as amended and extended.*

*Effected by exchange of notes*

*Signed at Washington May 12 and July 6, 1992;*

*Entered into force April 8, 1993.*

*The Secretary of State to the Chinese Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

[May 12, 1992]

Excellency:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the People's Republic of China concerning fisheries off the coasts of the United States, signed at Washington on July 23, 1985, as amended, (hereinafter referred to as "the Agreement"). I have the further honor to propose that, in accordance with the provisions of Article XVII, the Agreement be extended until July 1, 1994, and be further amended as follows:

1. In Article II, paragraph 1, delete "(except highly migratory species of tuna)"
2. In Article II, replace the text of paragraph 2 with the following:
  2. "fish" means all finfish, molluscs, crustaceans, and other forms of marine animal and plant life, other than marine mammals and birds;"
3. In Article II, at the end of subparagraph 6. b., add the word "and", delete paragraph 7 and renumber the present paragraph 8 as paragraph 7.
4. In Article IV:
  - A. at the end of paragraph 7, delete the word "and";

His Excellency  
Zhu Qizhen,  
Ambassador of the People's Republic of China

- B. replace the text of paragraph 8 with the following:
- “8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to:
- a. the implementation of United Nations General Assembly resolution 46/215 of December 20, 1991 on Large-scale Pelagic Driftnet Fishing;
  - b. the conservation and management of anadromous species; and
  - c. the conservation of the pollock resource in the central Bering Sea; and”;
- C. renumber existing paragraph 8 as paragraph 9.
5. Replace the text of Article VII with the following:
- “The Government of the People’s Republic of China may submit an application to the Government of the United States of America for a permit for each fishing vessel of the People’s Republic of China that wishes to engage in fishing in the exclusive economic zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with Annex I, which constitutes an integral part of this Agreement. While the Government of the United States of America may require the payment of fees for such permits and for fishing in the exclusive economic zone, such fees shall be reasonable and applied without discrimination. The Government of the People’s Republic of China undertakes to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.”
6. Add a new paragraph 5 to the end of Article XII:
- “5. The Government of the People’s Republic of China shall cooperate with the Government of the United States of America in matters pertaining to the implementation of United Nations General Assembly resolution 46/215 of December 20, 1991 on Large-scale Pelagic Driftnet Fishing, the conservation and management of anadromous species, and the conservation of the pollock resources in the central Bering Sea.”
7. Replace the text of Article XIII with the following:
- “1. The Government of the United States of America and the Government of the People’s Republic of China shall carry out

periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including cooperation within the framework of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

2. At the request of either Government, any dispute concerning the interpretation or application of this Agreement shall be the subject of consultations between them.”

8. Replace the text of Article XIV with the following:

“The Government of the United States of America undertakes to authorize fisheries research vessels and fishing vessels of the People’s Republic of China allowed to fish pursuant to this Agreement to enter designated ports in accordance with United States laws referred to in Annex II, which is an integral part of this agreement, for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, changing crews, or for such other purposes as may be authorized.”

9. Replace the text of Article XV with the following:

“Should the Government of the United States of America indicate to the Government of the People’s Republic of China that nationals and vessels of the United States wish to engage in fishing in areas within the fisheries jurisdiction of the People’s Republic of China, the Government of the People’s Republic of China shall allow such fishing on terms not more restrictive than those established in accordance with this Agreement.”

10. Replace the text of Article XVI with the following:

“Nothing contained in the present Agreement shall prejudice the views of either Government with respect to:

1. the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries; or,
2. any other international rights and obligations of either Government.”

11. Insert a new Article XVII as follows:

“The Agreement shall apply to the territories of the People’s Republic of China, and to the United States, its territories and its possessions.”

12. Renumber existing Article XVII as Article XVIII.

I have further the honor to propose that, if this proposal is acceptable to the Government of the People’s Republic of China, this note and your Excellency’s note in reply shall constitute an agreement between our two Governments which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between our two Governments following the completion of necessary internal procedures.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

David A. Colson

*The Chinese Ambassador to the Secretary of State*

Excellency:

I have the honor to acknowledge the receipt of your Note of May 12, 1992, which reads as follows:

[For text of the U.S. note, see pp. 2-5.]

I have further the honor to confirm on behalf of the Government of the People's Republic of China that the said proposal is acceptable to the Government of the People's Republic of China and to agree that your Excellency's Note and this Note in reply shall be regarded as constituting an agreement between the two Governments, which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between the two Governments.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

ZHU QIZHEN  
Ambassador of the People's  
Republic of China  
July 6, 1992

His Excellency  
James A. Baker III,  
Secretary of State,  
Washington, D.C.