without prior assessment of the impacts of those fishing activities on the long-term sustainability of fisheries resources and a determination that those activities would not have significant adverse impacts on vulnerable marine ecosystems, or ensuring that those activities are managed to prevent those impacts or are not authorized to proceed;

(i) ensuring, in accordance with Article 7 of the 1995 Agreement, that conservation and management measures established for straddling fish stocks on the high seas and those adopted for areas under national jurisdiction are compatible in order to ensure conservation and management of these fisheries resources in their entirety;

(j) ensuring compliance with conservation and management measures and that sanctions applicable in respect of violations are adequate in severity to be effective in securing compliance, to discourage violations wherever they occur and to deprive offenders of the benefits accruing from their illegal activities;

(k) minimizing pollution and waste originating from fishing vessels, discards, catch by lost or abandoned gear, and impacts on other species and marine ecosystems through measures including, to the extent practicable, the development and use of selective, environmentally safe, and cost-effective fishing gear and techniques; and

(l) applying this Convention in a fair, transparent and non-discriminatory manner, consistent with international law.

Article 4
Area of Application

1. This Convention applies to the waters of the high seas area of the North Pacific Ocean, excluding the high seas areas of the Bering Sea and other high seas areas that are surrounded by the exclusive economic zone of a single State. The area of application is bounded to the south by a continuous line beginning at the seaward limit of waters under the jurisdiction of the United States of America around the Commonwealth of the Northern Mariana Islands at twenty (20) degrees North latitude, then proceeding East and connecting the following coordinates:

   - 20°00'00"N, 180°00'00"E/W;
   - 10°00'00"N, 180°00'00"E/W;
   - 10°00'00"N, 140°00'00"W;
   - 20°00'00"N, 140°00'00"W; and
   - Thence East to the seaward limit of waters under the fisheries jurisdiction of Mexico.

2. Nothing in this Convention, nor any act or activity carried out in pursuance of this Convention, shall constitute recognition of the claims or positions of any Contracting Party concerning the legal status and extent of waters and zones claimed by any such Contracting Party.

Article 5
Establishment of the Commission

1. The North Pacific Fisheries Commission ("Commission") is hereby established. The Commission shall function in accordance with the provisions of this Convention. Each Contracting Party shall be a member of the Commission.

2. A fishing entity referred to in the Convention may participate in the work of the Commission in accordance with the Annex. The participation of a fishing entity in the work of the Commission shall not constitute a deviation from accepted application of international law, including the 1982 Convention.

3. The Commission shall hold a regular meeting at least once every two years at a time and location to be decided by the Commission and may hold such other meetings as may be necessary to carry out its functions under this Convention.

4. Any member of the Commission may request a meeting of the Commission, which shall be convened with the consent of a majority of the members of the Commission. The Chairperson shall then convene such a meeting in a timely fashion at such time and place as the Chairperson may determine in consultation with the members of the Commission.

5. The Commission shall elect a Chairperson and a vice-Chairperson from among the representatives of Contracting Parties, who shall each be from a different Contracting Party. They shall be elected for a period of two years and shall be eligible for reelection, but shall not serve for more than four years in succession in the same capacity. The Chairperson and the vice-Chairperson shall remain in office until the election of their successors.

6. The Commission shall apply the principle of cost-effectiveness to the frequency, duration and scheduling of meetings of the Commission and its subsidiary bodies.

7. The Commission shall have international legal personality and such legal capacity as may be necessary to perform its functions and achieve its objectives. The privileges and immunities that the Commission and its officers shall enjoy in the territory of a Contracting Party shall be determined by agreement between the Commission and the Contracting Party concerned.

8. All meetings of the Commission and subsidiary bodies shall be open to participation by accredited observers in accordance with Rules of Procedure that the Commission shall adopt. Related documents shall be made publicly available in accordance with such Rules of Procedure.

9. The Commission may establish a permanent Secretariat consisting of an Executive