

臺菲漁業協定之研析與展望

洪志忠¹、游乾賜¹、邱文彥¹

1. 國立臺灣海洋大學海洋事務與資源研究所

2013 年「廣大興 28 號」漁船事件後，臺灣與菲律賓即開始進行多次漁業會談及非正式協商，共同研議臺灣與菲律賓專屬經濟海域重疊區域相關的執法規定，以解決臺菲間之漁業糾紛。2015 年 11 月 5 日，「臺菲有關促進漁業事務執法合作協定」經過多次協商，終於由我國駐菲律賓代表處及菲律賓馬尼拉經濟文化辦事處在臺北完成簽署。

臺菲漁業協定與其他雙邊漁業協定比較可得知，針對漁船作業範圍及漁權之規範雙方仍無共識，對於在臺菲重疊經濟海域作業之我國漁民缺少了最明確而直接的保障。然而，臺菲漁業協定重點僅為「避免使用暴力或不必要武力」、「建立緊急通報系統」及「建立迅速釋放機制」，這三項規定其實在「廣大興 28 號」漁船事件後，臺菲雙方業於 2013 年 10 月 22 日漁業會談中就已建立了，雙方公務船進行海上執法時均須遵守制。

本研究主要從臺菲雙方間的海域立法、專屬經濟海域重疊的漁業問題以及其他國家間雙邊的漁業協議，來比較與探討得出未來我國與菲律賓進行漁業會談及漁業協定修正或補充努力的方向，避免漁業衝突持續發生，保障我國漁民在國家管轄海域內安全作業。

關鍵字：台菲漁權、廣大興 28 號事件、專屬經濟海域

E-mail：imarm@mail.ntou.edu.tw

A Study on the Taiwan and Philippines Fishery Agreement

Since the tragic incident involving Guang Da Xing No. 28 fishing boat in 2013, Taiwan and the Philippines have held three rounds of fisheries talks and several additional rounds of informal negotiations to discuss law enforcement measures in the overlapping EEZs and effectively resolve fisheries disputes between the two countries. After several rounds of negotiations in the past two years, Taiwan and the Philippines concluded the Agreement Concerning the Facilitation of Cooperation on Law Enforcement in Fisheries Matters on November 5, 2015.

Since 2013, the two governments have been negotiating an agreement on law enforcement cooperation on fishing matters in their overlapping economic waters. Now, The agreement contains seven articles and includes three important points of consensus that have already been implemented—avoiding the use of violence or unnecessary force, establishment of an emergency notification system, and establishment of a prompt release mechanism. Compared with other bilateral fishery agreements, Taiwan and Philippines Fishery Agreement know that there is no consensus on fishing vessels' scope of operation and fishery rights. Taiwan and the Philippines lack the most clearly and direct protection.

This paper compares and discusses fisheries agreements between East Asian States. It also discusses the advances in Taiwan- Philippine fisheries relations and the further development of Taiwan- Philippine Fisheries Agreement about the overlapping fisheries issues in the exclusive economic sea area and bilateral fishery agreements between other countries. Find out how to avoid the continued occurrence of fisheries conflicts, to protect our fishermen in the waters under national jurisdiction safe operation.

Keywords: Taiwan - Philippines fishery right, Guang Da Xing No.28 event, Exclusive Economic Zone(EEZ)

E-mail : imarm@mail.ntou.edu.tw