

April 2012

Report to the United Nations Secretary General on the development of a new Regional Fisheries Management Organization (RFMO) competent to regulate bottom fisheries in the North Pacific Ocean

I. Introduction

The Interim Secretariat for the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (NPO), hereby provides the information on the actions taken in response to paragraphs of General Assembly Resolutions 61/105 and 64/72 relevant to the development of a new RFMO competent to regulate bottom fisheries in the North Pacific Ocean.

II. Important progress made by relevant States to sustainably manage deep sea fish stocks and protect vulnerable marine ecosystems in the NPO

1. Improvement of Interim Measures

(1) History of discussion of the Interim Measures

In accordance with paragraph 85 of Resolution 61/105, Japan, the Republic of Korea, the Russian Federation and the United States of America adopted Interim Measures applying to the Northwestern Pacific Ocean at their Second Multilateral Meeting (NPO2) in February 2007.

At NPO3 in October 2007, the meeting attendees reported and reviewed the implementation of the Interim Measures adopted at NPO2 and agreed with the revision of the measures in order to enhance and clarify their implementation in a number of key areas.

At NPO4 in May 2008, the meeting attendees reported on progress to implement the Interim Measures adopted at NPO2 and revised at NPO3. The meeting attendees also discussed the work that still needed to be accomplished to fulfill their obligations under Resolution 61/105, namely the establishment of science-based criteria for use in assessing whether fishing activity would have significant adverse impact (SAI) on vulnerable marine ecosystems (VMEs) and the timeframe for carrying out such work.

As such, at NPO5 in October 2008, the meeting attendees adopted the following: 1) draft standards and criteria to identify VMEs and to assess impacts of bottom fisheries on VMEs and marine species; 2) a working definition of corals for the Emperor Seamounts and North Hawaiian Ridge (ES-NHR) area; and 3) Observer Program Standards, including what information should be collected and a standardized format for an annual report on observers.

At NPO6 in February 2009, the Interim Measures were further amended to include an Exploratory Fisheries Protocol and to clarify the implementation of the Interim Measures in a number of key areas (Attachment 1).

At NPO7 in August 2009, meeting attendees discussed the application of the Interim Measures to the entire high seas area of the North Pacific Ocean. However, consensus was not reached.

At NPO8 in January 2010, the meeting attendees expressed a willingness to consider a separate set of Interim Measures for the Northeast Pacific Ocean at the next meeting, acknowledging that such measures did not need to be identical to the existing Interim Measures for the Northwest Pacific. Until such measures were adopted, the meeting attendees agreed that vessels flying their flags in the Northeast Pacific would apply certain preliminary measures with respect to fishing activities. In particular, meeting attendees agreed to limit fishing effort in bottom fisheries on the high seas of the Northeast Pacific Ocean to the existing level, in terms of the number of fishing vessels and other parameters which reflect the level of fishing effort, fishing capacity, or potential impacts on the marine ecosystems; and to collect and submit scientific information from each bottom fishing vessel operating in the area, including catch and effort data and related information such as time, location, depth, temperature, etc.

At NPO9 in September 2010, Japan reported historical fishing data in the Northeast Pacific. Russia reported results on recent research activities at seamounts in Northeast Pacific. The United States highlighted the unique nature of the ecosystems in Warwick seamount in Northeast Pacific based on research conducted by the U.S. National Oceanic and Atmospheric Administration. The United States also proposed draft Interim Measures for the Northeast Pacific. The meeting attendees agreed to discuss the proposal at NPO10.

At NPO10 in March 2011, the meeting attendees agreed to Interim Measures for the Northeast Pacific Ocean (Attachment 2). The meeting attendees also agreed that the Exploratory Fishery Protocol for the Northwest Pacific Interim Measures would also apply to the Northeast Pacific Interim Measures. In the Northeast Interim Measures, VMEs are interpreted and applied in a manner consistent with the FAO Deep Sea Guidelines. This definition is also applied to the Northwest Pacific Ocean.

(2) Description of the Interim Measures

The Interim Measures set out the objectives of the sustainable management of fish stocks and the protection of VMEs, in accordance with the UNGA Resolutions. These measures include provisions on: the geographic scope, management principles, collection of fisheries and scientific information, establishment of a Scientific Working Group (SWG), information sharing, and effective control of bottom fishing vessels.

Of particular note, the Interim Measures include provisions that limit fishing effort to the existing level and do not allow for the expansion of bottom fisheries into new areas, which is in line with paragraph 70 of Resolution 62/177. Further, in accordance with paragraph 83(a) of Resolution 61/105, the Interim Measures contain science-based criteria, consistent with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, for use in assessing whether fishing activity would have SAIs on marine

species or VMEs and in proposing management measures to prevent such impacts.

In accordance with paragraph 83(b) of Resolution 61/105, the Interim Measures provide for the collection of information to facilitate the scientific work associated with the implementation of the measures. To this end, the SWG has been working to identify and evaluate information necessary to identify VMEs, as well as information necessary to assess whether bottom fishing activities would have SAIs on VMEs, including seamounts, hydrothermal vents and cold water corals.

In accordance with paragraph 83(c) of Resolution 61/105, the Interim Measures provide exceptions to the restrictions on limiting fishing effort to the existing levels and preventing expansion of bottom fisheries into new areas only in cases where it can be shown that the fishing activity would not have SAIs on marine species or any VME. A detailed exploratory fisheries protocol has been established to provide guidance on the steps to be taken when conducting an exploratory fishery to ensure consistency with both the Interim Measures and Resolution 61/105.

Also, in accordance with paragraph 83(d) of Resolution 61/105, Participating States are required under the Interim Measures to cease fishing activities in any location, where, in the course of normal fishing operations, cold water corals are encountered. In such areas, a vessel will not resume fishing activities until it has relocated a sufficient distance, which will be no less than 5 nautical miles to reduce the likelihood of future encounters. A more detailed protocol for this provision is under extensive discussion among the Participating States.

(3) Identification of VMEs and assessment of SAIs of bottom fisheries activities on VMEs and marine species

In accordance with paragraph 83 of Resolution 61/105, Participating States assessed, on the basis of the best available scientific information, whether individual bottom fishing activities would have SAIs on VMEs and the long-term sustainability of deep sea fish stocks. The results were presented to the Fifth Meeting of the SWG (SWG5) in December 2008 for a thorough scientific review with the hope that a unified assessment report would be produced based on a consensus among the Participating States. However, there were differences of opinions as to what management measures should be introduced in response to the findings. As a result, it was decided that each Participating State would produce or revise its own assessment paper, taking into account the discussion. All Participating States did this and the assessments are publicly available on the following website: <http://nwpbfo.nomaki.jp>.

2. Discussion on the Establishment of a Long-term Management Mechanism

(1) Preliminary consultation

In April 2006, Japan hosted an informal meeting to discuss management of the high seas bottom fisheries in the Northwestern Pacific Ocean, attended by Japan, the Republic of Korea, the Russian Federation and the

United States of America. The meeting attendees agreed on the importance of protecting VMEs while properly managing the fishing activities based on the best scientific evidence available, and, as such, agreed to continue the dialogue to fulfill the requirements of the relevant Resolutions.

(2) Multilateral Meeting on Management of High Seas Fisheries in the North Pacific Ocean

The first Multilateral Meeting (NPO1) was held in August 2006 to establish a new mechanism for management of high seas bottom trawling in the North Pacific Ocean. The initial meetings were focused solely on the Northwest Pacific Ocean. Japan, the Republic of Korea, and the Russian Federation all conducted fishing in the area being considered. The United States joined the discussions as a coastal State whose EEZ contains the same stocks of many affected species (in this capacity, the United States managed a permit-application bottom trawl fishery for foreign trawlers conducted at the Hancock Seamounts from 1978–1984.) Meeting attendees recognized the importance of establishing a new international management agreement for bottom trawl fisheries on the high seas of the NWPO.

At NPO2 in January 2007, it was also agreed that the new agreement should be consistent with the established principles of international law, as outlined in the UNCLOS, the UNFSA, and other relevant instruments, and should build on the best practices of existing RFMO/As.

At NPO3 in October 2007, the Interim Secretariat prepared a Draft Convention Text for a long-term management mechanism and preliminary discussions of the text were initiated. The meeting attendees discussed potential future governance options, primarily the expansion of the current geographical scope and the fishery resources covered in the agreement.

At NPO4 in May 2008, the meeting attendees again discussed the Draft Convention, and returned to the question of whether to expand the scope of the Draft Convention to cover all high seas areas of the North Pacific Ocean (southern boundary to be determined) and to include all species not currently covered under existing international arrangements. Though it was not possible to reach consensus on this issue, the proposal received strong support from some delegations, and others expressed a willingness to consider the issues further at the next meeting.

At NPO5 in October 2008, the meeting attendees agreed to expand the geographical scope of the Convention, and agreed in principle to expand the species to be covered. Accordingly, the Interim Secretariat undertook to modify the Draft text for consideration at NPO6.

At NPO6 in February 2009, the meeting attendees, with Canada attending for the first time, completed the first reading of the Convention Text, and agreed to submit written comments so as to facilitate consideration by the meeting attendees and thereby expedite the negotiations.

At NPO7 in August 2009, Chinese Taipei attended the meeting for the first time. The meeting attendees completed the second reading of Articles 1 through 7 of the Text and discussed plans to prepare a draft Article 25 of the text on fishing entities.

At NPO8 in January 2010, People's Republic of China and the Faroe Islands¹ attended the meeting for the first time. Ambassador David Balton of the United States was appointed to serve as Chair for the negotiations of the Draft Convention Text for the remainder of the negotiations of the text. The meeting attendees continued the reading and discussion of the Convention Text and gave the Chair the mandate to update the text during the intersessional period taking into account views expressed during the meeting and any subsequent comments received from the meeting attendees.

At NPO9 in September 2010, the meeting attendees continued discussion on the Draft Convention Text proposed by Ambassador Balton.

At NPO10 in March 2011, the meeting attendees concluded substantive negotiations of the English text of the long-term agreement, entitled the "Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean," subject to a legal and technical review. To this end, attendees adopted a Record of Negotiations summarizing the outcomes of the negotiations and next steps to be undertaken. Meeting attendees accepted an offer from Canada to prepare a French text of the Convention for review. Following the confirmation of both English- and French-language versions of the Convention text, the text was opened for signature on April 1, 2012 and will enter into force 180 days after the Depositary (Republic of Korea) receives the fourth instrument of ratification, acceptance, or approval. Upon entry into force, the Convention will create a new Regional Fisheries Management Organization named the North Pacific fisheries Commission (NPFC). Attendees decided that a preparatory conference should be convened to make arrangements for the smooth entry into force of the Convention, and adopted a resolution to this effect.

The first and the second sessions of the Preparatory Conference for the North Pacific Fisheries Commission were held in August 2011 and in February 2012, respectively. The participants discussed draft rules of procedure and other basic documents in preparation for the first regular meeting to be held after the Convention enters into force.

3. Scientific Working Group

The First Meeting of Scientific Working Group (SWG1) was held from 29 to 30 January 2007, prior to the Second Multilateral Meeting. The Terms of Reference (TOR) and the feasibility of developing Future Work Plan, etc., were discussed at the SWG1. TOR was accepted at NPO2.

At SWG2 in October 2007, the participants agreed on an "Interim Data Handling and Data Sharing Protocol,"

¹ The Faroe Islands attended as observer.

which was adopted at NPO3. Participants presented results of recent research cruises and a stock assessment paper for alfoncin. For the purposes of defining the “footprint” of the Northwestern Pacific bottom fisheries, in accordance with the adopted Interim Measures, the participants provided to the Interim Secretariat information on the number of vessels by gear type, size of vessels (tons), number of fishing days or days on the fishing grounds, total catch by species, and areas fished (names of seamounts), for each year from 2002 to 2006.

SWG3 in May 2008, prior to NPO4, discussed the information necessary to: 1) assess the status of key fish stocks (alfoncin and armorhead) affected by bottom fisheries on the high seas of the North Western Pacific Ocean; 2) assess the status of associated and dependent species affected by those fisheries; 3) identify VMEs; and 4) assess whether bottom fishing activities would have SAIs on VMEs. Work on these matters continued through the intersessional period and the results of that work were given priority consideration for the following SWG meeting.

SWG4 in October 2008, prior to NPO5, reviewed information provided by participants for bottom fishing impact assessment on VMEs and marine species. The SWG also agreed to the following: 1) “Draft standards and criteria to identify vulnerable marine ecosystems and to assess impacts of bottom fisheries on VMEs and marine species;” 2) a working definition of corals for the ES-NHR area; and 3) observer program standards including information to be collected and a format for an annual report on observers. These were sent to NPO5 and adopted.

At SWG5 in December 2008, participants provided further information for the assessment required by paragraph 83(a) of Resolution 61/105. Participants presented information on the identification of VMEs and the determination of whether bottom fishing activities would cause SAIs to VMEs and the long-term sustainability of deep sea fish stocks. The participants did not reach consensus as to what management measures should be implemented in response to the findings, and it was decided that each participant would produce or revise its own assessment paper, taking into account the discussion.

At SWG6 in February 2009, an exploratory fisheries protocol was agreed to and sent to NPO6 for adoption. Participants also discussed the VME encounter protocol, but were unable to agree on it.

At SWG7 in August 2009, participants discussed the VME encounter protocol again, but were not able to agree on it. Participants agreed to hold the Stock Assessment Workshop for North Pacific Armorhead at the next meeting.

At SWG8 in January 2010, participants agreed on the value of a VME encounter protocol; however, it was decided that defining such protocol should be postponed until further data can be obtained. The Stock Assessment Workshop was also held from 17 to 18 January 2010. Meeting participants agreed to establish a

small, ad hoc working group in order to complete the Armorhead stock assessment by the summer of 2011. The United States submitted a proposal for an Ad Hoc Working Group on VMEs, which was not adopted at this meeting. However, delegations agreed to leave the issue open and to revisit this topic at SWG9. Participants agreed during the intersessional period to obtain additional information on this topic.

At SWG9 in September 2010, the meeting attendees agreed to work on encounter protocols with VMEs instead of establishing the Ad Hoc Working group proposed at NPO8,

III. Fisheries in the High Seas of the NWPO

1. Marine ecosystem of NWPO

A prominent submarine ridge, the Emperor Seamounts chain, runs from the south of the Aleutian chains to the west of the Hawaiian ridge (Attachment 4). The seamounts located between the southern end of the Emperor Seamount chain and the Hawaiian Islands that have relatively flat tops (tablemounts and guyots) with summit depths of 250–500 m are known to be good habitat for armorhead and alfonsin.

2. History of the fisheries

The trawl fisheries at the Emperor seamounts were initiated by Russian commercial trawlers in 1967. In 1969, Japanese trawlers commenced exploratory fishing operations near the Milwaukee Seamounts. The United States managed a permit-application bottom trawl fishery for foreign trawlers that was conducted at the Hancock Seamounts during 1978–1984. Japanese bottom trawlers were the only participants in this fishery. Since 1986, a commercial fishing moratorium on seamount groundfish has been in effect at the Hancock Seamounts. Stock assessment research using modified bottom longline gear was conducted in 1985–1993 at Southeast Hancock Seamount to determine and monitor population abundance and recruitment. The United States has never had a commercial fishery or conducted commercial fishing operations for seamount fish at the Hancock Seamount or at any of the other seamounts north of the Hancocks in international waters. In order to collect detailed information about the resources, Japanese, Korean, Russian (including the former USSR), and U.S. research vessels have conducted extensive surveys since the initiation of the fisheries on the distribution and the biology of armorhead and alfonsin resources and associated environmental conditions. The first phase of exploratory fishery surveys contributed to the development of the trawl fishery at several seamounts, including the Kimmei, Milwaukee, Colahan, and Hancock seamounts. Some of the other seamounts have small jagged peaks and in the vicinity of these seamounts trawling effort was very limited, whereas bottom gillnets have been operated over these peaks, although the amount of the catch was small.

3. Description of current fisheries

Japan

The bottom gill net fisheries were conducted at the Suiko, Showa, Nintoku, Northern Koko, Koko, Yuryaku,

Kammu and Colahan seamounts in 2011. A single vessel conducted bottom set net fishing in the depth range of 280–1410 m throughout the year. The dominant species caught were alfonsin and armorhead. The catch of alfonsin and armorhead by gill net in 2011 were 60 and 145 mt, respectively. The bottom trawl fishing was conducted at the Northern Koko, Koko, Kimmei, Yuryaku, Kammu and Colahan seamounts in 2011. Five vessels conducted bottom trawl fisheries in the depth of 210–800m throughout the year. The dominant species caught were alfonsin and armorhead. The catch of alfonsin and armorhead by trawl in 2011 was 2,041 and 2,640 mt, respectively.

Korea

The bottom trawl fisheries were conducted at the Koko, Kimmei, and Milwaukee seamounts in 2011. Two vessels conducted the bottom trawl fisheries in these seamounts. The dominant species caught were Armorhead and Alfonsin. The catches of Armorhead and Alfonsin by trawl 2011 were 532.2mt and 43.5mt, respectively.

Russia

Russia has conducted fisheries since 1969 and scientific research in the ES-NHR since the latter half of the 1960s. During this time a remarkable volume of scientific data has been collected, including assessment of the biomass of armorhead. The trawl catches of alfonsin and armorhead were 722 and 926 mt, respectively, in 2005. These were peak trawl catches during 2000-2008. The seamounts trawled in 2000-2008 were Youmei, Nintoku, Koko, Colahan, C-H and Milwaukee. Bottom longline fishery was conducted at Nintoku, Ojin, Jingu and Koko seamounts in 2009. Two vessels fished at depth range 450-1000 m within two months. Alfonsin and armorhead were not among dominant species in catches.

United States

Although the United States of America has not participated in the commercial bottom fisheries at the seamounts, the U.S. EEZ is immediately adjacent to the southern end of the ES-NHR where fishing is actively taking place. Furthermore, within what is now the northernmost portion of the U.S. EEZ, the seamounts adjacent to Kure and Midway atolls, including the Hancock Seamounts, were fished by Russia and Japan during the historic portion (early 1970s) of the bottom trawl fishery. The armorhead, alfonsin and other species fished at the seamounts form part of the same stocks that occur within adjacent areas of the U.S. EEZ where, as noted earlier, bottom fisheries have been subject to a moratorium since 1986. This fishing moratorium has been extended for a 6-year period from August 2010.

**New Mechanisms for Protection of
Vulnerable Marine Ecosystems and Sustainable Management of High Seas
Bottom Fisheries in the Northwestern Pacific Ocean**

Adopted on 2 February 2007, Busan, Republic of Korea

Revised on 26 October 2007, Honolulu, Hawaii, United States of America

Revised on 18 October 2008, Tokyo, Japan

Revised on 20 February 2009, Busan, Republic of Korea

Revised on 4 March 2011, Vancouver, Canada

Four countries, Japan, the Republic of Korea, the Russian Federation, and the United States of America, (Participating States) participated in international consultations on the establishment of new mechanisms for the management of high seas bottom fisheries by vessels operating in the Northwestern Pacific Ocean:

Strongly supporting protection of vulnerable marine ecosystem (VMEs) and sustainable management of fish stocks based on the best scientific information available,

Recalling the United Nations General Assembly Resolutions (UNGA) on Sustainable Fisheries, particularly paragraphs 66 to 71 of the UNGA59/25 in 2004, paragraphs 69 to 74 of UNGA60/31 in 2005, and paragraphs 69 and 80 to 91 of UNGA61/105 in 2006,

Noting, in particular, paragraphs 66 and 69 of UNGA59/25 that call upon States to take action urgently to address the issue of bottom trawl fisheries on VMEs and to cooperate in the establishment of new regional fisheries management organizations or arrangements,

Recognizing the importance of adopting and implementing conservation and management measures as called for in paragraphs 83 to 87 of UNGA61/105, and in particular paragraph 85, which calls upon states participating in negotiations to establish new mechanisms to regulate bottom fisheries to expedite such negotiations and to adopt and implement Interim Measures consistent with that resolution no later than 31 December 2007,

Recognizing further that fishing activities, including bottom fisheries, are an important contributor to the global food supply and that this must be taken into account when seeking to achieve sustainable fisheries and to protect VMEs,

Noting also that no regional fisheries management organization or arrangement exists for management of bottom fisheries by vessels operating on the high seas of the Northwestern Pacific Ocean,

Recognizing the importance of collecting scientific data to assess the impacts of these fisheries on marine species and VMEs,

Concerned about possible adverse impacts of unregulated expansion of bottom fisheries on marine species and VMEs on the high seas of the Northwestern Pacific Ocean,

They will take, in accordance with the following, urgent action on an interim basis, while working to design and implement more permanent arrangements, to promote appropriate management of high seas bottom fisheries in the Northwestern Pacific Ocean:

1. Scope

A. Coverage

High seas areas of the Northwestern Pacific Ocean, defined, for the purposes of this document, as those occurring within Food Agriculture Organization of the United Nations (FAO) Statistical Area No. 61, including all such areas and marine species other than:

- (i) those already covered by existing international fisheries management instruments, including bilateral agreements and Regional Fisheries Management Organizations or Arrangements, and
- (ii) closed high seas areas that are surrounded by the Economic Exclusive Zone of a single country.

B. Management target

Bottom fisheries conducted by vessels operating on the high seas.

2. General purpose

Sustainable management of fish stocks and protection of VMEs in the high seas areas of the Northwestern Pacific Ocean

For the purpose of these Interim Measures, the term vulnerable marine ecosystems is to be interpreted and applied in a manner consistent with the International Guidelines on the Management of Deep Sea Fisheries on the High Seas adopted by the FAO on 29 August 2008..

3. Principles

The implementation of this interim mechanism will:

- be based on the best scientific information available,
- be in accordance with existing international laws and agreements including UNCLOS and other relevant international instruments,
- establish appropriate and effective conservation and management measures,

- be in accordance with the precautionary approach, and
- incorporate an ecosystem approach to fisheries management.

4. Interim Measures

Each country will take the following interim measures in accordance with its national laws and regulations in order to achieve sustainable management of fish stocks and protection of VMEs in the high seas areas of the Northwestern Pacific Ocean:

A. Limit fishing effort in bottom fisheries on the high seas of the Northwestern Pacific Ocean to the existing level in terms of the number of fishing vessels and other parameters which reflect the level of fishing effort, fishing capacity or potential impacts on marine ecosystems.

B. Not allow bottom fisheries to expand into areas of the Northwestern Pacific Ocean where no such fishing is currently occurring, in particular, by limiting such bottom fisheries to seamounts located south of 45 degrees North Latitude and to provisionally prohibit bottom fisheries in other areas of the Northwestern Pacific Ocean covered by these measures.

C. Notwithstanding subparagraphs A and B above, exceptions to these restrictions may be provided in cases where it can be shown that any fishing activity beyond such limits or in any new areas would not have significant adverse impacts (SAIs) on marine species or any VME. Such fishing activity is subject to an exploratory fishery protocol (Annex 1).

D. Any determinations pursuant to subparagraph C that any proposed fishing activity will not have SAIs on marine species or any VME are to be in accordance with the Science-based standards and criteria (Annex 2), which are consistent with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas

E. Any determinations, by any flag state or pursuant to any subsequent arrangement for the management of the bottom fisheries in the areas covered by these interim measures, that fishing activity would not have SAIs on marine species or any VME, will be made publicly available through agreed means.

F. Further, considering accumulated information regarding fishing activities in the Northwestern Pacific Ocean, in areas where, in the course of fishing operations, cold water corals are encountered, Participating States will require vessels flying their flag to cease bottom fishing activities in that location. In such cases, the vessel will not resume fishing activities until it has relocated a sufficient distance, which will be no less than 5 nautical miles, so that additional encounters with VMEs are unlikely. All such encounters, including the location and the species in question, will be reported to the

Interim Secretariat, who will notify the other Participating States so that appropriate measures can be adopted in respect of the relevant site. It is tentatively agreed that the cold water corals include: Alcyonacea, Antipatharia, Gorgonacea, and Scleractinia.

This paragraph will be reviewed by the Participating States, and may be modified from time to time as more information becomes available.

5. Contingent Action

(a) In addition to the interim measures contained in paragraph 4 above, bottom fisheries in the areas where VMEs are known to occur or are likely to occur, based on the best available scientific information, shall cease by 31 December 2008, unless conservation and management measures have been established to prevent SAIs on VMEs, consistent with the relevant provisions of UNGA61/105 and such international standards as may be developed pursuant thereto.

(b) Participating States will submit to the SWG their assessments of the impacts of fishing activity on marine species or any VMEs, including the proposed management measures to prevent such impact. Such submissions will include all relevant data and information in support of any such assessment. Procedures for such reviews including procedures for the provision of advice and recommendations from the SWG to the submitting State are attached (Annex 3). Participating States will only authorize bottom fishing activity pursuant to para 4 (c) and, after December 31, 2008, para 5(a), on the basis of such assessment and comments or recommendations from the SWG.

6. Scientific Working Group (SWG)

The Participating States have established an SWG to provide scientific advice and recommendations in accordance with the Terms of the Reference for that group adopted by the Second Inter-governmental Meeting. The SWG will not duplicate the functions of existing scientific organizations and arrangements in the Northwestern Pacific Ocean.

7. Scientific Information

To facilitate the scientific work associated with the implementation of these measures, each country shall undertake:

A. Collection of Information for purposes of defining the footprint

In implementing paragraphs 4A and 4B, the Participating States will provide for each year, 2002-2006, the number of vessels by gear type, size of vessels (tons), number of fishing days or days on the fishing grounds, total catch by species, and areas fished (names of seamounts) to the Interim Secretariat as soon as possible and no later than February 1, 2008. The Interim Secretariat will circulate the information received to the other States within 60 days of the date specified above, consistent with approved Interim Data Handling and Data Sharing Protocol. To support assessments of the fisheries and refinement of

conservation and management measures, Participating States are to provide update information on an annual basis.

B. Collection of Information

(i) Collection of scientific information from each bottom fishing vessel operating in the area specified in paragraph 1.

- a. Catch and effort data
- b. Related information such as time, location, depth, temperature, etc.

(ii) As appropriate the collection of information from research vessels operating in the area specified in paragraph 1.

- a. Physical, chemical, biological, oceanographic, meteorological, etc.
- b. Ecosystem surveys.

(iii) Collection of Observer Data

When appropriate, duly designated observers from the flag state should collect information from fishing vessels. Participating States will report the results to the Interim Secretariat in accordance with Annex 4. Observers should collect data in accordance with Annex 5. The Interim Secretariat will compile this information on an annual basis and will make it available to the [Participating States].

C. Sharing of Information

All information shared by the Participating States will be done in accordance with the following provisions

- (i) The Participating State will establish a process governing the submission, management, sharing and access to information.
- (ii) The process will include provisions to ensure that the confidentiality of the information is maintained.
- (iii) The process will provide a balance among Participating States with regard to the benefits of data sharing.
- (iv) Information will be made available to the SWG for analyses and use in providing technical advice and guidance.

D. Data Analysis and Review

At SWG1 on 1 February 2007, a Work Plan was established (Attachment 2 of NWPBT/02/Rec), and at SWG2 on 25 October 2007, the Interim Data Handling and Data Sharing Protocols were agreed (Attachment 3 of NWPBT/03/Inf4). Also, at SWG2, the implementation of the Work Plan was discussed

and task allocation and a deadline were agreed, including the provisions of the work plan for identifying VMEs and assessing SAIs on VMEs.

8. Control of bottom fishing vessels

A. Participating States will exercise full and effective control over each of their bottom fishing vessels operating in the high seas of the Northwestern Pacific Ocean, including by means of fishing licenses, authorizations or permits, and maintenance of a record of these vessels will be ensured;

B. In accordance with article VI of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, collection and exchange of the following information with respect to each bottom fishing vessel entered in the record of 7(A) will be carried out ;

- (a) name of fishing vessel, registration number, previous names (if known), and port of registry;
- (b) previous flag (if any);
- (c) International Radio Call Sign (if any);
- (d) name and address of owner or owners;
- (e) where and when built;
- (f) length;
- (g) name and address of operator (manager) or operators (managers) (if any);
- (h) type of fishing method or methods;
- (i) gross register tonnage;
- (j) power of main engine or engines;
- (k) cubic meters of well volume.

C. To strengthen its control over bottom fishing vessels flying its flag, each Participating State will ensure that all such vessels operating in the high seas of the Northwestern Pacific Ocean be equipped with an operational vessel monitoring system no later than 31 December 2007, or earlier if so decided by the flag State.

9. Observers

The Participating States at the Third Inter-Governmental Meeting stressed the importance of a high level of observer coverage in order to obtain the most accurate and complete data and information possible on ongoing fishing activities.

In reviewing assessments on impacts of fishing activity on marine species or any VMEs, the presence of observers on board vessels should be a critical factor in assessing the accuracy and completeness of the data and information in support of such assessments.

[After December 31, 2008, any vessel authorized to continue fishing in the area [is advised to carry] [will carry] an observer on board.]

10. Secretariat function

For the purpose of facilitating implementation of this mechanism, Japan will take the role of Secretariat on an interim basis.

11. Other issues

These measures will be applied on a voluntary basis. Nothing in this mechanism affects or should be interpreted as affecting, the rights and obligations of States under international law including UNCLOS.

12. Implementation

The measures specified in Paragraph 4 will be effective upon adoption of this document. Unless specified otherwise, the remaining provisions will become applicable and operational no later than 31 December 2007.

**Interim Measures for Protection of
Vulnerable Marine Ecosystems in the Northeastern Pacific Ocean**

Adopted on 4 March, 2011 in Vancouver, Canada.

The following States and Fishing Entity: Canada, China, Japan, the Republic of Korea, the Russian Federation, the United States of America, and Chinese Taipei;

Seeking to ensure the long term conservation and sustainable use of the fishery resources of the Northeast Pacific Ocean and, in so doing, protect the vulnerable marine ecosystems that occur there, in accordance with the Sustainable Fisheries Resolutions adopted by the United Nations General Assembly (UNGA) including, in particular, paragraphs 66 to 71 of the UNGA59/25 in 2004, paragraphs 69 to 74 of UNGA60/31 in 2005, paragraphs 69 and 80 to 91 of UNGA61/105 in 2006, and paragraphs 113 to 124 of UNGA64/72 in 2009;

Recalling that paragraph 85 of UNGA 61/105 calls upon participants in negotiations to establish regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to adopt interim measures in respect of the area of application of the instruments under negotiation;

Noting that the States and Fishing Entity listed above are engaged in negotiations to establish a regional fisheries management organization for the North Pacific Ocean, and that the multilateral meeting in which these negotiations are being conducted has previously adopted interim measures for the Northwest Pacific Ocean;

Conscious of the need to adopt comparable measures for the Northeast Pacific Ocean to ensure that this area is not left as the only major area of the Pacific Ocean where no such measures are in place;

Hereby express their intent to implement the following Interim Measures for bottom fisheries of the Northeast Pacific Ocean while working to develop and implement a more permanent management arrangement to govern these and other fisheries in the North Pacific Ocean.

Scope

1. These Interim Measures are to be applied to all bottom fishing activities throughout the high seas areas of the Northeastern Pacific Ocean, defined, for the purposes of this document, as those occurring in the Convention Area as set out in Article 4 of the Convention text to the east of the line of 175 degrees W longitude including all such areas and marine species other than those species already covered by existing international fisheries management

instruments, including bilateral agreements and Regional Fisheries Management Organizations or Arrangements.

2. For the purpose of these Interim Measures, the term vulnerable marine ecosystems is to be interpreted and applied in a manner consistent with the International Guidelines on the Management of Deep Sea Fisheries on the High Seas adopted by the FAO on 29 August 2008.

3. The implementation of these Interim Measures will:

- be based on the best scientific information available,
- be in accordance with existing international laws and agreements including UNCLOS and other relevant international instruments,
- establish appropriate and effective conservation and management measures,
- be in accordance with the precautionary approach, and
- incorporate an ecosystem approach to fisheries management.

Actions by Flag States and Fishing Entities

4. Each State and Fishing Entity listed above will take the following actions in respect of vessels operating under its Flag or authority in the area covered by these Interim Measures:

(a) Conduct the assessments called for in paragraph 83(a) of UNGA Resolution 61/105, in a manner consistent with the FAO Guidelines and the Standards and Criteria included in Annex 1²;

(b) Submit to the SWG their assessments conducted pursuant to subparagraph (a) of this paragraph, including all relevant data and information in support of any such assessment, and receive advice and recommendations from the SWG, in accordance with the procedures in Annex 2³;

(c) Taking into account all advice and recommendations received from the SWG, determine whether the fishing activity or operations of the vessel in question are likely to have a significant adverse impact on any vulnerable marine ecosystem;

(d) If it is determined that the fishing activity or operations of the vessel or vessels in question would have a significant adverse impact on vulnerable marine ecosystems, adopt conservation and management measures to prevent such impacts on the basis of advice and recommendations of the SWG;

(e) Ensure that no vessels engage in bottom fishing until such assessments have been carried out *[from 119(a)]*, the

² Annex 2 of NWPO Interim Measures: Science Based Standards and Criteria for Identification of VMEs and Assessment of Significant Adverse Impacts on VMEs and Marine Species, adopted at the Fifth Inter-governmental Meeting on Management of High Seas Bottom Fisheries in the North Western Pacific Ocean.

³ Annex 3 of current NWPO Interim Measures. *(See reference in paragraph 5(b))*

determination called for in subparagraph (c) of this paragraph has been rendered and, where appropriate, managements measures have been implemented in accordance with the advice and recommendations of the SWG;

(f) Further ensure that they will only authorize fishing activities on the basis of such assessments and any comments and recommendations from the SWG;

(g) prohibit its vessels from engaging in directed fishing on the following orders: Alcyonacea, Antipatharia, Gorgonacea, and Scleractinia as well as any other indicator species for vulnerable marine ecosystems as may be identified from time to time by the SWG and approved by the Multilateral Meeting on Management of High Seas Fisheries, or its successor, in the North Pacific Ocean.

(h) In respect of areas where vulnerable marine ecosystems are known to occur or are likely to occur, based on the best available scientific information, close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems.

5. All assessments and determinations by any Flag State or Fishing Entity as to whether fishing activity would have significant adverse impacts on vulnerable marine ecosystems, as well as measures adopted in order to prevent such impacts, will be made publicly available through agreed means.

Control of Bottom Fishing Vessels

6. States and the Fishing Entity will exercise full and effective control over each of their bottom fishing vessels operating in the high seas of the Northeastern Pacific Ocean, including by means of fishing licenses, authorizations or permits, and maintenance of a record of these vessels.

7. For each such vessel operating in the area covered by these Interim Measures, the Flag State or Fishing Entity will provide by August 1, 2011 the following information, in accordance with article VI of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993:

(a) name of fishing vessel, registration number, previous names (if known), and port of registry;

(b) previous flag (if any);

(c) International Radio Call Sign (if any);

(d) name and address of owner or owners;

(e) where and when built;

(f) length;

- (g) name and address of operator (manager) or operators (managers) (if any);
- (h) type of fishing method or methods;
- (i) gross register tonnage;
- (j) power of main engine or engines;
- (k) cubic meters of well volume.

8. Each Flag State and Fishing Entity will ensure that all bottom fishing vessels under its jurisdiction operating in the area covered by these Interim Measures is equipped with an operational real-time vessel monitoring system no later than August 1, 2011, or earlier if so decided by the flag State.

9. Each Flag State and Fishing Entity will ensure that all bottom fishing vessels under its jurisdiction operating in the area covered by these Interim Measures will be subject to one hundred percent observer coverage.

10. New and exploratory fishing will be subject to the exploratory fishery protocol included as Annex 1⁴.

Scientific Working Group (SWG)

11. The SWG established by the Multilateral Meeting on Management of High Seas Fisheries in the North Pacific Ocean will provide scientific support for the implementation of these Interim Measures.

Scientific Information

12. The Flag States and Fishing Entity covered by these Interim Measures will provide all available information for any current or historical fishing activity by their flag vessels, including the number of vessels by gear type, size of vessels (tons), number of fishing days or days on the fishing grounds, total catch by species, and areas fished (names or coordinates of seamounts) to the Interim Secretariat as soon as possible and no later than one month prior to SWG. The Interim Secretariat will make such information available to SWG.

13. Scientific research activities for stock assessment purposes are to be conducted in accordance with a research plan that has been provided to SWG prior to the commencement of such activities.

Secretariat function

14. The interim secretariat for the Northwest Pacific Interim Measures will also provide secretariat services for the Northeast Pacific Interim Measures.

Other issues

⁴ Annex 1 of NWPO Interim Measures: Exploratory fisheries protocol adopted by the Multilateral Meeting in respect of the North Pacific Ocean.

15. These measures will be applied on a voluntary basis. Nothing in these Interim Measures creates or otherwise affects the rights and obligations of States under international law, including UNCLOS.