

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

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 Ocea

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

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 Depository (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 r

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 informat

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 seaTf(ial 3Tmw)-68T,eArmorhe14291(Duri)6(takc 0.pla[is ti09(s ti09(Fur-68Tis i

**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 (, pbw 10.5 est)4Tc 5n VMent 0 Td[(nserva)6(ti)5(on)6()6(hed)6(9

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:

- be in accordance with 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

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

[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 Northeasturesle5 02sle5-3(60Nort8(c6(an)5(ds)-6(u)5(nos)-1()5.c

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.

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, auth(1)shineETE0.000(bli1

- (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 Inte

