

**Record of the Third Inter-Governmental Meeting on Management of  
High Seas Bottom Fisheries in the North Western Pacific Ocean**

**Honolulu, Hawaii, United States of America  
24-26 October 2007**

**1. Welcome and Opening of the Meeting**

The meeting was opened at 9:30 am on Wednesday, 24 October 2007 by Mr. William Gibbons-Fly from the United States of America. Participants from Japan, the Republic of Korea, the Russian Federation and the United States of America attended the meeting (Attachment 1).

**2. Election of Chair**

Dr. Charles Karnella was elected as chair. Miss Elizabethann English from the United States of America agreed to serve as rapporteur.

**3. Adoption of the Agenda**

The agenda was reviewed, amended and adopted (Attachment 2).

**4. Reports**

**i) Report from Interim Secretariat on Outcome of the Second Inter-governmental Meeting**

The interim secretariat presented a summary of the second Inter-Governmental Meeting held in Busan, Korea, 31 January – 2 February 2007, highlighting that the participating States agreed in Busan to interim measures in accordance with the United Nations General Assembly (UNGA) Resolution A/RES/61/105.

**ii) Report from the Second Scientific Working Group on its work**

Dr. Samuel Pooley reported on the outcome of the second Scientific Working Group (SWG) meeting, held 22-23 October 2007 (NWPBT/03/Inf4). The meeting accepted the report of the SWG and adopted the Interim Data Handling and Data Sharing Protocols.

Meeting participants agreed that the report of the SWG, and its attachments, should be made publicly available. Public distribution of supporting scientific reference documents should be done only with the approval of the author.

**iii) Report from participants on Implementation of the Interim Measure**

Participants reported on their individual efforts in implementing the interim measures. The plenary noted that significant progress had been made in this regard. In particular, participating States detailed their actions to prevent the expansion of both fishing effort and the area fished by their flagged vessels, in accordance with paragraph 4(A) and 4(B) of the interim measures.

## **5. Discussion on the relevant meetings**

### **i) FAO Expert Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas**

The interim secretariat presented the results of the FAO Expert Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, including the developed draft guidelines. Participants agreed to review both the guidelines and their applicability in the North Western Pacific Ocean.

The Interim Secretariat noted that the FAO will host inter-governmental Technical Consultations on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas to discuss these draft guidelines in Rome, 4-8 February 2008.

### **ii) 2007 UN General Assembly Sustainable Fisheries Resolution**

Participants discussed the ongoing negotiations of the 2007 UNGA sustainable fisheries resolution. They further took note that the 2009 UNGA resolution will include a review of progress made by States and RFMO/As on the implementation of the UNGA Resolution A/RES/61/105 and discussed possible actions to prepare for this review.

Participating States requested that the interim secretariat draft a joint submission for the 2008 annual General Assembly fisheries report and to submit to all participating States with sufficient time for review. It was noted that individual submissions directly to the Secretary General would also be possible.

## **6. Implementation of Interim Measures**

The Plenary noted that since the development of the Busan agreement, additional progress had been made internationally on implementing the requirements of the UNGA resolution A/RES/61/105 and agreed that further clarification and elaboration of the Busan agreement would be beneficial. A small group, chaired by Dr. Charles Karnella from the United States, met to develop an agreed text. The meeting adopted the revised "Establishment of new mechanisms for protection of vulnerable marine ecosystems and sustainable management of high seas bottom fisheries in the North Western Pacific Ocean" (Attachment 3). Participants revised the Busan interim measures to enhance and strengthen their implementation in a number of key areas.

Participating States discussed the role of shipboard observers in implementing the interim management measures. It was agreed that participants would examine this question during the inter-sessional period and return to it at the 4th inter-governmental meeting. Further, the plenary recommend that 3<sup>rd</sup> meeting of the SWG be tasked to review which data should be collected by observers and standards for the collection of such data.

## **7. Discussion on the Establishment of Management Mechanism**

### **i) Draft Text of a Convention**

The plenary noted its appreciation to the interim secretariat for the document and began preliminary discussions of the text. The participants agreed to continue their review of the draft text of a convention in advance of the 4th inter-governmental meeting. Participants agreed to provide written comments on the text to the interim secretariat no later than two months in advance of the next meeting.

## **ii) Additional Considerations with Respect to the Draft Agreement**

The plenary discussed potential future governance options, primarily the expansion of the current geographical scope and the fishery resources covered in the agreement. Delegations expressed divergent views in this regard and no consensus was reached. It was agreed that parties would return to this topic at the 4<sup>th</sup> inter-governmental meeting.

## **8. Timeframe**

The participants discussed timing for the development of the draft convention text and other work that needs to be completed during the inter-sessional period.

## **9. Rule for Participation of Observers at Future Meetings**

The participating States discussed the interim rules for participation for observers at future meetings and agreed to continue the discussion at the 4<sup>th</sup> inter-governmental meeting.

## **10. Date and Place of Next Meeting.**

The fourth inter-governmental meeting will be convened in early spring of 2008, specific dates to be determined. The Russian Federation offered to host the next meeting. The participants agreed on the need to identify the dates and place of the next meeting as soon as possible.

## **11. Other Business**

The plenary agreed that the creation of a website would be beneficial for transparency of this process. The Interim Secretariat agreed to explore during the inter-sessional period, in collaboration with the United States, the possibilities to develop such a website and the type of information it should contain.

The meeting noted its appreciation for the work of the interim secretariat. In addition the meeting also expressed its gratitude to staff of the Pacific Island regional Office, in particular, Andy Burnell, Oriana Villar, and expressed a special thank you to Pua Buholm for all of her support both in advance of and during the meeting. The meeting further thanked both the chair and the rapporteur.

## **12. Adoption of the Record of the Meeting**

Participants adopted the report of the meeting.

## **13. Closing of the Meeting**

The meeting was concluded at 4:39 pm on October 26, 2007

## **Attachment 1: List of Participants**

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## **Attachment 2: Provisional Agenda**

### **Third Inter-Governmental Meeting on Establishment of a New Mechanism for Management of High Seas Bottom Fisheries In the North Western Pacific Ocean**

**Honolulu, Hawaii, United States of America  
24-26 October 2007**

#### **Provisional Agenda**

14. Welcome and Opening of the Meeting
15. Election of Chair
16. Adoption of the Agenda
17. Reports
  - i) Report from Interim Secretariat on Outcome of the Second Inter-governmental Meeting
  - ii) Report from the Second Scientific Working Group on its work
  - iii) Report from participants on Implementation of the Interim Measure
18. Discussion on the relevant meetings
  - i) FAO Expert Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas
  - ii) 2007 UN General Assembly Sustainable Fisheries Resolution
19. Implementation of Interim Measures
20. Discussion on the Establishment of Management Mechanism
  - i) Draft Text of a Convention
  - ii) Other matters
21. Timeframe
22. Rule for Participation of Observers at Future Meetings
23. Date and Place of Next Meeting.
24. Other Business
25. Adoption of the Record of the Meeting
26. Closing of the Meeting

### **Attachment 3**

## **Third Inter-governmental Meeting on Establishment of New Mechanism for Management of High Seas Bottom Fisheries in the North Western Pacific Ocean**

### **Establishment of new mechanisms for protection of vulnerable marine ecosystems and sustainable management of high seas bottom fisheries in the North Western Pacific Ocean**

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

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 North Western Pacific Ocean, held from 22 to 24 August, 2006 in Tokyo, Japan, from 31 January to 2 February 2007 in Busan, Republic of Korea, and from 24-26 October 2007 in Honolulu, Hawaii, the United States of America:

Strongly supporting protection of vulnerable marine ecosystems and sustainable management of fish stocks based on the best scientific information available,

Recalling the United Nations General Assembly Resolutions on Sustainable Fisheries, particularly paragraphs 66 to 71 of the A/RES/59/25 in 2004, paragraphs 69 to 74 of A/RES/60/31 in 2005, and paragraphs 69 and 80 to 91 of A/RES/61/105 in 2006,

Noting, in particular, paragraphs 66 and 69 of A/RES/59/25 that call upon States to take action urgently to address the issue of bottom trawl fisheries on vulnerable marine ecosystems 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 A/RES/61/105, 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 vulnerable marine ecosystems,

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 North Western Pacific Ocean,

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

Concerned about possible adverse impacts of unregulated expansion of bottom fisheries on marine species and vulnerable marine ecosystems on the high seas of the North Western 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 North Western Pacific Ocean:

## 1. Scope

### A. Coverage

High seas areas of the North Western Pacific Ocean, defined, for the purposes of this document, as those occurring within 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 EEZ 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 vulnerable marine ecosystems in the high seas areas of the North Western Pacific Ocean

Work is currently underway in a number of fora, in particular through a process being coordinated through the UNFAO, to arrive at a common understanding of the term “vulnerable marine ecosystem”. For the immediate purpose of the measures referenced here, the term “vulnerable marine ecosystems” means, in particular, seamounts, hydrothermal vents and cold water corals. The participating States will reevaluate, and as appropriate, revise, the definition based on further elaboration of the work done through the UNFAO and by the SWG.

## 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 vulnerable marine ecosystems in the high seas areas of the North Western Pacific Ocean:

A. Limit fishing effort in bottom fisheries on the high seas of the North Western 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 North Western 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 North Western 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 a significant adverse impact on marine species or any vulnerable marine ecosystem.

D. The participants will work in an expedited manner to establish science-based standards and criteria for any determinations pursuant to subparagraph C that any proposed fishing activity will not have a significant adverse impact on marine species or any vulnerable marine ecosystems. It is important that any such criteria be objective, transparent and based on the best available scientific information and take into account the work emerging from the process convened by the FAO of the UN.

E. Pending the development of such criteria for assessing the impacts of fishing activity on marine species and vulnerable marine ecosystems, no exceptions (as provided in subparagraph C) to the provisions of subparagraphs A and B will be authorized.

F. Upon adoption of such criteria, 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 a significant adverse impact on marine species or any vulnerable marine ecosystems, will be made publicly available through agreed means.

G. Further, considering accumulated information regarding fishing activities in the North Western Pacific Ocean, in areas where, in the course of fishing operations, cold water corals are encountered, participants 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 parties so that appropriate measures can be adopted in respect of the relevant site.

This paragraph will be reviewed by the participants, and may be modified, after the FAO guidelines on VMEs are finalized.

#### 5. Contingent Action

In addition to the interim measures contained in paragraph 4 above, bottom fisheries in the areas where vulnerable marine ecosystems 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 significant adverse impacts on vulnerable marine ecosystems, consistent with the relevant provisions of the 2006 United Nations General Assembly Resolution on Sustainable Fisheries (A/61/105) and such international standards as may be developed pursuant thereto.

6. 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 impacts. Such submissions will include all relevant data and information in support of any such assessment. The SWG will establish, on an expedited basis, procedures for such reviews including procedures for the provision of advice and recommendations from the SWG to the submitting State. Participating States will only authorize bottom fishing activity pursuant to paragraph 4(C) and, after December 31, 2008, paragraph 5, on the basis of such assessment and comments or recommendations from the SWG

#### 7. Scientific Working Group

The participants have established a scientific working group 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 scientific working group will not duplicate the functions of existing scientific organizations and arrangements in the North Western Pacific Ocean.

#### 8. 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 4(A) and 4(B), the participants 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

##### 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 shall collect information from fishing vessels. Participants will report to the interim secretariat, as soon as possible, the dates of each embarkation and disembarkation of observers pursuant to this paragraph since October 26, 2007. This report will also include, for each completed observed trip, the name of the observer, the name of the fishing vessel, names of seamounts where fishing operations were observed, and other relevant information collected. 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 parties will be done in accordance with the following provisions

- (i) The parties 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 parties with regard to the benefits of data sharing.
- (iv) Information will be made available to the Scientific Working Group for analyses and use in providing technical advice and guidance.

D. Data Analysis and Review

At SWG1, a Work Plan was established, and at SWG2 the interim data handling and data sharing protocols were agreed. 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 impacts on VMEs.

9. Control of bottom fishing vessels

A. Countries will exercise of full and effective control over each of their bottom fishing vessels operating in the high seas of the North Western 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 8(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 participant will ensure that all such vessels operating in the high seas of the North Western 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.

#### 10. 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 developing the standards and criteria for assessing impacts of fishing activity on marine species or any VMEs, and in reviewing any such assessments made pursuant thereto, 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.]

#### 11. Secretariat function

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

#### 12. 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.

#### 13. 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.