

Attachment 6

Second Inter-governmental Meeting on Management of High Seas Bottom Fisheries in the North Western Pacific Ocean

**Busan, Republic of Korea
31 January – 2 February 2007**

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

Four countries, Japan, the Republic of Korea, the Russian Federation and the United States of America, 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 and from 31 January to 2 February 2007 in Busan, Republic of Korea:

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/61/L.38 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/61/L.38, 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

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 instrument,
- 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 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.

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, in areas where, in the course of fishing operations, evidence of vulnerable marine ecosystems, such as coldwater corals or other associated species, is encountered, participants will require vessels flying their flag to cease bottom fishing activities. 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.

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/L.38) and such international standards as may be developed pursuant thereto.

6. 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 Intergovernmental Meeting. The scientific working group will not duplicate the functions of existing scientific organizations and arrangements in the North Western 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

(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

B. Collection of Observer Data

When appropriate, duly designated observers from the flag state shall collect information from fishing vessels.

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.

8. 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.

9. Secretariat function

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

10. 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.

11. 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.