

**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**

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 immediate purpose of the measures referenced here, the term “VMEs” means, in particular, seamounts, hydrothermal vents and cold water corals. The Participating States will reevaluate, and as appropriate, revise, the definition based on further consideration of the work done through FAO and by the Scientific Working Group (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 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 (Annex2), 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 (Annex3). 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.