

Record of the 10th Multilateral Meeting on Management of High Seas Fisheries in the North Pacific Ocean

**Vancouver, British Columbia, Canada
27 February – 4 March 2011**

Meeting Report

1. Welcome and Opening of the Meeting

The 10th Multilateral Meeting on Management of High Seas Fisheries in the North Pacific Ocean (NPO10) was opened at 13:00 on Sunday, 27 February 2011 by Loyola Sullivan, Ambassador for Fisheries Conservation of Canada. Ambassador Sullivan welcomed all attendees and made opening remarks. A list of attendees appears as Attachment 1.

2. Election of Chair and Rapporteur

Ambassador Sullivan was elected to Chair the Meeting. Ambassador David Balton of the United States continued to serve as Chairman for purposes of negotiating the Convention text. Mr. Suman Bhattacharyya (Canada) was elected to serve as Rapporteur.

3. Adoption of Agenda

The agenda was reviewed, amended and adopted (Attachment 2) and a document list was provided (Attachment 3).

4. Adoption of Northeast Pacific Interim Measures and Modifications to Northwest Pacific Interim Measures

New Interim Measures for the Protection of Vulnerable Marine Ecosystems in the Northeast Pacific Ocean were adopted based on a revised proposal from the United States, with some revisions (Attachment 4). Attendees agreed on a definition of vulnerable marine ecosystems for the purposes of the Interim Measures in the Northeast and Northwest Pacific. Attendees also agreed that Annex 1 to the Northwest Pacific Interim Measures (Exploratory Fishery Protocol) will also apply to the Northeast Pacific Interim Measures. Attendees thanked Japan for their willingness to provide Secretariat services in respect of these Interim Measures. Russia agreed to provide to the Interim Secretariat for circulation in the near future data on bottom fishing effort for the purpose of assessing the reduction in such effort.

5. Discussion on the Faroe Islands

At NPO9, as recorded in the Meeting Report, the representative of the Faroe Islands expressed the interest of his Government in participating in future meetings as a full participant and offered to present information relating to the real interest of the Faroe Islands in the relevant fisheries at the beginning of NPO10. The Attendees at NPO10 discussed the Circular Note dated February 22, 2011, distributed by the Faroe Islands via the Interim Secretariat and expressed disappointment that the Faroe Islands did not attend

the meeting. There was consensus that no change would be made to the status of the Faroe Islands in NPO negotiations.

6. Discussion on the Revised Convention Text

Chairman Balton presented an overview of the revised draft Convention text (NPO10/WP3). The Chairman suggested that most of the work of the attendees could be accomplished in plenary session but recommended that some of the work may be more effectively accomplished in smaller technical groups or friends of the Chair meetings.

The 10th meeting concluded negotiation 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.

With respect to Article 7 (2) (c) of the Convention, it was the general understanding of the attendees that boarding and inspection procedures will be decided by consensus. Regarding Article 7 (2) (g), it was understood that market-related measures also encompass trade-related measures.

Participants accepted an offer from Canada to prepare a French text of the Convention for review.

7. Other Matters

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.

Attendees confirmed their intention that the Rules of Procedure and decisions on issues related to the Secretariat and the Financial Regulations, including the Financial Contribution formula, will be agreed by consensus of the participants, regardless of whether all the participants are members of the Commission at the time of its first meeting. The participants also confirmed their intention that the Rules of Procedure will be prepared at the Preparatory Conference and adopted by the Commission at the beginning of its first meeting.

8. Preparatory Conference

Attendees accepted an offer from Japan to host the first session of the Preparatory Conference, preferably in late August or early September 2011. Attendees accepted an offer from the United States of America to prepare draft Rules of Procedure, draft Financial Regulations and other related documents for circulation through the Interim Secretariat in advance of the first session of the Preparatory Conference. The Preparatory Conference will meet as often as necessary for the expeditious exercise of its functions. It will remain in existence until the conclusion of the first meeting of the Commission, at which time its property and records will be transferred to the Commission.

9. Timeline for Future Work

Chairman Balton will host a meeting of legal and technical experts to conduct a review of the English Convention text in Washington, D.C. in the very near future. Following this review, delegations will have the opportunity for a quick review of the text to confirm acceptance of any changes recommended by this meeting. Canada will then prepare a French-language version of the Convention text, which will be circulated for review by the Interim Secretariat. Following the confirmation of both English and French language versions of the Convention text, it will be opened for signature. It was agreed that the Interim Secretariat would continue pending the entry into force of the Convention.

10. Adoption of the Record of the Meeting

Attendees adopted this Record of the Meeting.

11. Closing of the Meeting

Attendees thanked the Chairman of the multilateral Meeting, the Chairman of the Draft Convention text negotiations, the Rapporteur, the Interim Secretariat, and the host government for its preparations and arrangements. The meeting concluded on 4 March 2011.

List of Meeting Attendees

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**10th Multilateral Meeting on Management
of High Seas Fisheries in the North Pacific Ocean**

**Vancouver, Canada
27 February-4 March 2010**

Agenda

- 1. Welcome and opening of the meeting**
- 2. Election of Chair and Rapporteur**
- 3. Adoption of agenda**
- 4. Discussion on the Interim Measures for the Northeast Pacific Ocean**
- 5. Discussion regarding the Faroe Islands**
- 6. Discussion on the revised draft convention text**
- 7. Discussion on the draft “Record of Negotiations”**
- 8. Timeline for future work**
- 9. Date and place of the next meeting**
- 10. Other matters**
- 11. Adoption of the record of meeting and the Record of Negotiations**
- 12. Closing of the Meeting**

**10th Multilateral Meeting on Management
of High Seas Fisheries in the North Pacific Ocean**

**Vancouver, Canada
27 February – 4 March, 2011**

List of Documents

Information Papers

- NPO10/Inf1: List of Documents
- NPO10/Inf2: List of Participants

Working Papers

- NPO10/WP1: Provisional Agenda
- NPO10/WP2: Provisional Annotated Agenda
- NPO10/WP3: Draft Convention Text
- NPO10/WP4: Draft Final Act
- NPO10/WP5/US: Interim Measures for Protection of Vulnerable Marine Ecosystems in the
Northeast Pacific Ocean
- NPO10/WP6/J: Information on fishing vessels whose fishing activities seem to be
inconsistent with UNGA resolutions

Reference Papers

- NPO10/Ref1: Record of the 10th Multilateral Meeting on Management of High Seas
Fisheries in the North Pacific Ocean

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

Adopted on Friday 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 1¹; [*from Paragraph 119(a) of 2009 UNGA Res.*]

(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 2²; [*From Paragraph 5(b) on NWPO Interim Measures*]

(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; [*From UNGA Resolutions and FAO Guidelines*]

(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; [*From UNGA Resolutions and FAO Guidelines*]

(e) Ensure that no vessels engage in bottom fishing until such assessments have been carried out [*from 119(a)*], the 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; [*General obligation of UNGA and FAO*]

(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

¹ 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.

² Annex 3 of current NWPO Interim Measures. (*See reference in paragraph 5(b)*)

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. *[Modified from Paragraph 4(E) of NWPO Interim Measures to reflect Paragraph 121(b) of 2009 UNGA Res.]*

Control of Bottom Fishing Vessels *[Entire section drawn from Paragraph 8 of NWPO Interim Measures]*

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 1³.

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.

³ Annex 1 of NWPO Interim Measures: Exploratory fisheries protocol adopted by the Multilateral Meeting in respect of the North Pacific Ocean.

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

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.