

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

**Tokyo, Japan
17-18 October, 2008**

1. Welcome and Opening of the Meeting

The meeting was opened at 10:00 am on Friday, 17 October 2008 by Mr. Joji Morishita from Japan. Participants from Japan, the Republic of Korea, the Russian Federation, the United States of America and an observer from the Deep Sea Conservation Coalition attended the meeting (Attachment 1).

2. Election of Chair

Mr. Joji Morishita of Japan was elected as chair. LCDR Daniel Schaeffer from the United States of America agreed to serve as rapporteur.

3. Adoption of the Agenda

The agenda was reviewed and adopted (Attachment 2). In addition, a list of documents was provided for the meeting (Attachment 3).

4. Reports

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

The Interim Secretariat presented a summary of the Fourth Inter-Governmental Meeting held in Vladivostok, Russian Federation, 14-16 May 2008.

ii) Report from the Fourth Scientific Working Group

Mr. Shingo Ota, on behalf of the SWG facilitator, presented the report of the Fourth Scientific Working Group (SWG) meeting, held 14-16 October 2008. Participating States accepted the report of the SWG (NWPBT/04/WP3) with the understanding that some of the issues discussed by the SWG would require further discussions and acceptance by the Inter-governmental Meeting.

These issues were discussed in agenda items 6 and 7, which include the exploratory and encounter protocols, standards and criteria, and interim measures. Participating States agreed that the issues should be discussed from a scientific viewpoint during the SWG, but policy decisions should be made in the Inter-governmental Meeting.

5. Discussion on relevant meetings

FAO Technical Consultations on the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

The Interim Secretariat reported on the second session of the FAO Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, held in

Rome 25-29 August 2008 (SWG4/NWPBF5/WP3, SWG4/NWPBF5/Ref2), which finalized the guidelines.

6. Discussion on the Interim Measures on VMEs and marine species

Participating States reviewed and tentatively adopted the *New Mechanisms for Protection of Vulnerable Marine Ecosystems and Sustainable Management of High Seas Bottom Fisheries in the Northwestern Pacific Ocean* (SWG4/NWPBF5/WP15/Rev3), along with the *Observer Programme Draft Standards* (SWG4/WP10/Rev), and the *SWG Assessment Review Procedures for the Bottom Fishing Activities* (SWG4/WP11/Rev), which form the Annexes of the New Mechanisms.

Recognizing the limited time from this meeting until the SWG meeting in December 2008, participating States will make best possible efforts to submit their identifications and assessments for the next SWG by the target date of 14 days before the next SWG meeting. Future submissions deadlines will be 21 days prior to the SWG meetings as adopted (SWG4/WP11/Rev).

7. Finalization of the draft Science-based Standards and Criteria for identification of VMEs and assessment of significant adverse impacts on VMEs and marine species.

Participating States examined and adopted the revised document (SWG4/NWPBF5/WP6/rev.2) which is also annexed to the New Mechanisms.

8. Discussion on the draft convention text

Participating States conducted extensive discussions about the U.S. proposal for the expansion of the scope of application of the draft Convention text, its implications on the interim measures in the New Mechanisms, and other related issues. The Meeting reached a tentative common understanding as follows. Some participating States stated that this summary meets a general understanding of the current discussions but they would like to bring this back to their capitals for consultations. Future steps will be based on this tentative common understanding.

- A. Interim Measures: Interim measures adopted by the New Mechanisms would only apply to FAO Statistical Area 61 for bottom fisheries.
- B. Long Term Framework: Participating States generally agreed to the expansion of the geographic scope and fisheries/species. Further discussions of the long term framework are still needed. They also confirmed that this doesn't mean immediate introduction of management measures to the expanded scope.
- C. Expansion to Northeastern Pacific: Participating States may make a voluntary declaration to refrain from engaging in bottom fishing in the Northeastern Pacific Ocean until such time as conservation and management measures are implemented.
- D. Southern Boundary: Participating States agreed on the principle to avoid gaps in RFMO coverage of the high seas in the Pacific Ocean. Tentatively, a southern boundary of 20 degrees north latitude across the North Pacific Ocean which is the southern boundary of FAO Statistical Area 61 will be used for the purpose of future discussions.
- E. New Participants: Because of the expansion of geographic scope, Canada and Mexico will be invited to NWPO6. The People's Republic of China and Taiwan, as fishing parties in the area, could be invited to the NWPO7.

Participating States authorized the Interim Secretariat to create a single Convention text which would incorporate the U.S. proposal and further comments from all Participating States and circulate prior to the next Inter-governmental Meeting. Any further input to the draft Convention text from Participating States is requested to be sent to the Interim Secretariat by the end of the next SWG Meeting, 05 December 2008. The Interim Secretariat will circulate the combined Convention text and submitted comments by 16 January 2009.

9. Timeline for Future Work

The paper *Time Frame* was discussed and revised (NWPBF5/WP6/Rev) to reflect assigned deadlines adopted during the meeting.

10. Requested Matters to the Interim Secretariat

Web Site

The Interim Secretariat presented working paper *NWPOBF Website* (NWPO5/WP6) describing the elements of the web site. Participating States are invited to provide comments on the web site to the Interim Secretariat by 16 January 2009 to facilitate improvements.

List of Abbreviations and Acronyms

Interim Secretariat presented the paper *Acronyms, Abbreviations and Widely Used Technical Terms for Management of High Seas Bottom Fisheries in the Northwestern Pacific Ocean* (NWPO5/WP8). Participating States agreed to provide their suggested modifications to the Interim Secretariat for future revisions. This document is a living document that is open to continual revision as necessary.

11. Rules for Participation of Observers at Future Meetings

Japan presented the paper *The Rules for Participation of Observers Proposed by Japan* (NWPB5/WP9). Participating States did not reach consensus on this issue including the participation of observers in the SWG meetings. Further discussions will need to occur at future meetings to resolve this issue.

12. Date and Place of Next Meeting

The Fifth Scientific Working Group Meeting will be held 2-5 December in Tokyo, Japan. Korea offered to host the Sixth Inter-governmental Meeting and the Sixth Scientific Working Group meeting in February 2009 in Busan. The dates will be finalized after further consultations with Participating States.

13. Other Matters

No additional matters were brought forward.

14. Adoption of the Record of the Meeting

Participating States adopted the report of the meeting.

15. Closing of the Meeting

The meeting was concluded at 16:30 pm on 18 October, 2008

Resumption of 5th Inter-governmental Meeting on Establishment of New Mechanism for Management of High Seas Bottom Fisheries in the North Western Pacific Ocean

**Tokyo, JAPAN
5 December 2008**

Meeting Report

1. Resumption of 5th Inter-governmental Meeting

Mr. Shingo Ota of Japan opened the meeting at 2:00 PM on Friday, December 5, 2008. Delegations from Japan, Korea, the Russian Federation and the United States attended the meeting (Attachment 1). Mr. Ota was chosen to serve as Chair and the United States agreed to serve as Rapporteur.

2. Adoption of the Agenda

The provisional agenda was adopted with amendments. The revised agenda is included as Attachment 2.

3. Discussion of SWG5 report

The Meeting noted the report of the 5th Scientific Working Group, which contained a number of items that were referred to the plenary for consideration, identified as Items 4-7 in the revised Agenda.

4. Expression of seamounts outside the FAO Area 61

At SWG5, the Participants agreed that, on the map prepared by the Interim Secretariat to identify the status of seamounts in FAO Statistical Area 61, fished seamounts should be identified in green, while unfished seamounts would be identified in red. However, the question of how to account for such seamounts outside of Area 61, and thus not subject to the current interim measures, was left for consideration by the Inter-governmental Meeting. The participants discussed that the manner in which such seamounts are treated on the map, depends on their actual status, as understood by the Participants. Participants acknowledged that any fishing in such areas is only to be authorized in accordance with the applicable provisions of UNGA Resolution 61/105. Further, the participants noted that at the October 2008 meeting, participants had agreed that "Participating States may make a voluntary declaration to refrain from engaging in bottom fishing in the Northeastern Pacific Ocean until such time as conservation and management measures are implemented." Japan and the United States expressed their intent not to authorize their flag vessels to engage in bottom fishing on the high seas in this area. The United States, in particular, noted that the importance of this area to the United States is the same as the importance as the Northwest Pacific to the other participants. It is the area of the North Pacific adjacent to its EEZ off Alaska and the West Coast of the U.S. mainland. As such, the United States expressed its concern about fishing that might be authorized in this area without applicable measures agreed by all participants. As a result of this discussion, the participants agreed that the seamounts in this area should be shown in orange, to reflect that fishing should only be authorized under specific conditions and consistent will applicable provisions of UNGA 61/105, including public disclosure of any authorizations and the supporting justification.

5. Assessment reports of coral drag fisheries for the UN report

The Chairman raised two questions: 1) Should the Interim Secretariat informally contact Taiwan's Fisheries Attache in Tokyo regarding the apparent Taiwanese coral drag fishery in the ES-NHR region and 2) Should this past and possibly present fishery be the subject of a separate assessment, as in the U.S. assessment document, or analyzed as a source of cumulative impacts, as in the Japanese assessment document.

Participating States agreed that the Interim Secretariat should contact Taiwan and explain the activities of the Participating States through the Inter-governmental Meetings and the SWG, express the concerns of the Participating States arising from Taiwan's apparent coral drag fishery, and request information about the fishery. They also agreed that it was acceptable for assessments to follow either the approach taken by Japan or the United States in accounting for the coral drag fishery.

6. Unification of Assessment reports for UN

The Participants discussed the assessment reports prepared or to be prepared by each of the Participants and considered whether such assessment reports should be consolidated into a single report to the UN, as was prepared in 2008. Some participants said they wanted further time to consider this question, pending the submission of such assessment by those participants that had not yet done so, and after further consideration of the status of ongoing efforts following the current meeting. Russia and Korea said they would provide to the Interim Secretariat their assessment reports by the end of the year, using the template agreed at the first session of 5th Inter-governmental Meeting in October 2008. The Interim Secretariat will post all of the Participating State's assessment reports on the NWPBF website.

7. Discussion of Definition of Encounter with VMEs

Participants discussed the working papers related to the encounter clause discussed during the SWG (SWG/WP/9 and SWG/WP/14). While there was an agreement on elements related to reporting and recording such encounters, there remained a divergence of views on key points, in particular the threshold at which the encounter protocol would be triggered and what the response to such encounters should be. Participants noted that they would engage in internal consultations and return to the discussion of this matter at the next meeting.

8. Other Matters

Some participants asked if it was worthwhile to further consider the proposed management measures discussed in the SWG but on which no consensus was reached. After a brief discussion, the sense of the meeting was that, although all participants had made their best efforts to find consensus, the remaining differences were not able to be resolved at this time. The participants agreed to consult internally, with a view to making progress on this set of issues in their final assessment reports.

9. Adoption of the record of meeting

The participants adopted the record of the meeting, noting that the next meeting will be February 16-20, 2009 in Busan, Korea. It is anticipated that the first 1.5 days will be dedicated to the SWG while the remaining 3.5 days will be dedicated to the Plenary session.

10. Closing of the Meeting

The meeting was adjourned at 17:50, December 5, 2008.