

**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 1<sup>1</sup>; [*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 2<sup>2</sup>; [*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

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<sup>1</sup> 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.

<sup>2</sup> 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 1<sup>3</sup>.

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.

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<sup>3</sup> 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.