REPORT OF THE FOURTH ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

November 8 - November 12, 1999
Pusan, Republic of Korea

Final, 1235 November 12, 1999

1. Opening of the Conference.

On behalf of the Korean Government and Korean Delegation, the Chairperson, Mr. Im Hong-jae, Deputy Director-General, International Economic Affairs Bureau of the Ministry of Foreign Affairs and Trade of the Republic of Korea, welcomed the delegations from the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (the Convention) to the Fourth Annual Conference. Mr. Im convened the Annual Conference at 1030, Monday, November 8, 1999.

2. Opening Statements and Introductions.

2.1. The opening statements of the Parties are provided in Appendix 1.

2.2. A complete list of the delegates is provided in Appendix 2.

3. Elections.

3.A. Chairperson.

Mr. Park Chong-guk, Maritime Affairs and Fishery Attaché, Embassy of Republic of Korea, Tokyo, Japan, was elected Chairperson at the conclusion of the Third Annual Conference, but Mr. Im, was elected as Chairperson of the Fourth Annual Conference at the special request of Korea.

3. B. Vice-Chairperson.

Mr. Deli Xin, Director for the Distant Water Fisheries, Bureau of Fisheries, Ministry of Agriculture, head of delegation for China, was elected Vice-Chairperson.

3.C. Rapporteur.

LCDR Dwight Mathers (United States) was appointed as rapporteur and Mr. Paul Niemeier (United States) Dr. Won Seok Yang (Korea) were appointed to assist, with the preparation of the reports for the Fourth Annual Conference.

4. Adoption of the Agenda.

The Parties adopted the Provisional Agenda (Appendix 3), as modified.

5. Report of the Science and Technical Committee.

5.1. Dr. Richard Marasco (United States), Chair of the Scientific and Technical (S&T) Committee, reported on the S&T Committee Meeting of November 8 - November 10, 1999. The S&T Committee produced the S&T Report, which was distributed separately to the Parties.

5.2. Dr. Marasco highlighted some of the items discussed during the S&T Meeting, which are fully described in the Report of the S&T Meeting. Dr. Marasco summarized the S&T Committee's AHL discussion as follows:

> *The Scientific and Technical Committee notes that Article VII of the Convention states that, "The Annual Conference shall establish by consensus the AHL for the succeeding year, based upon an assessment of the Aleutian Basin pollock biomass by the Scientific and Technical Committee." It is the opinion of the Committee that information is not currently available to directly determine the size of the Basin pollock biomass. As prescribed by Article IX, paragraph 4, the Committee indicates that the pollock biomass for the Specific Area as determined by the United States institution designated pursuant to paragraph (a) of the Annex shall be deemed to represent 60% of the Aleutian biomass. For 1999, the FAJ determined that the biomass of the Specific Area was 392,537 mt. Expanding this estimate to the entire Basin yields a biomass estimate of 654,228 mt. This is the best estimate of the 1999 Aleutian Basin pollock biomass. It is 1,015,772 mt below the required 1,670,000 mt minimum established by Part 1(c) and (d) of the Annex to the Convention in order for a fishery to occur and to set the AHL at the level of 130,000 mt.*
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> *Article IX, paragraph 4 states that, "The Scientific and Technical Committee shall make recommendations to the Annual Conference with respect to the conservation and management of pollock, including the AHL for the succeeding year." During these discussions, the Korean and Japanese delegations surfaced two approaches each for setting the AHL, even though it is a small amount. The Scientific and Technical Committee received technical clarification about the approaches, but did not reach a consensus on them. The Scientific and Technical Committee believes that the Parties may consider these and other approaches in determining AHL for the coming year.*
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> *The Parties should review the effects of the moratorium, which has been implemented until now, and the rationale for further keeping the moratorium, and, furthermore, take necessary measures to identify the causes of non-recovery of the pollock resources in the Central Bering Sea in spite of the 7-year moratorium.*

5.3. Several components of a Management System were discussed and **the S&T Committee reached consensus on a Korean proposal for biweekly data reporting once fishing resumes in the CBS0.** Dr. Marasco directed the Conference to refer to the S&T Report for specifics of the S&T Meeting.

5.4. Japan stated it understood that the function of the Chair is to serve as a facilitator and as such, the Chair's comments are not usually specifically noted within the Report S&T. In the future, Japan suggested the Report use "the Meeting" instead of "the Chair" when referring to comments made by the Chair.

6. Action Items.

6.A. The Review of Scientific Data and Conservation Measures of the Coastal States Related to Pollock Fishing in the Central Bering Sea.

6.A.1. The U.S. provided information on its conservation measures in its EEZ and stated it believed these measures have also had a beneficial effect on the Central Bering Sea (CBS) stock rebuilding. The U.S. highlighted its pollock management measures throughout the U.S. zone as follows.

6.A.2. Bogoslof region: The biomass estimate in 1998 was 492,000 mt. To assure rebuilding of the Bogoslof stock, the TAC once again was set at 1,000 mt for bycatch purposes for other fisheries. The actual catch was only about 136 mt. This means that the Bogoslof harvests have been held to less than 1,000 mt per year for the past 7 years–although harvests in the past reached as high as 377,000 mt.

6.A.3. Bering Sea/Aleutian Islands management region: The Aleutian area was closed to direct pollock fishing out of concern for the status of the pollock stocks in the area and ecosystem concerns. Harvests in the past have reached 82,000 mt in this area. The EBS harvest is expected to reach 992,000 mt in 1999, close to the TAC set for this fishery. A significant portion of the fishery (40%) operated under a cooperative structure with an allocated quota which enabled catch rates and effort to be reduced by one half of the previous year's catches. Seasons in 2000 are proposed to be spread even more. Harvests on roe-bearing pollock were reduced by some 50,000 mt in 1999 over 1998 through reduction of our seasonal allocation for the roe-bearing season (A-season). The S&T Report outlines the research planned for the *R/V MILLER FREEMAN* in 2000.

6.A.4. The U.S. referred the Parties to the S&T Report for further information on the U.S. stock assessment program.

6.A.5. The U.S. has an extensive scientific observer program for all its fishing vessels and shore-based processing plants. The data the observers collect supplement U.S. stock assessment programs and aid in the accurate accounting of catches on the fishing grounds. The U.S. also has a vigorous enforcement program that ensures the fishery regulations are properly observed. All these efforts ensure that fishermen do not overfish and that conservation efforts are observed. These are just some of the highlights of the management efforts that contribute to the conservation of Aleutian Basin pollock resources.

6.A.6. Russia reported that it established the 1999 TAC in a similar fashion as in previous years. Rules were adopted that prescribed minimum mesh sizes. This year, a special investigation was conducted in order to establish what the most efficient minimum fish size was. The 1998 TAC was based on surveys from 1996 and 1997. The results of the 1996/1997 surveys indicated the pollock biomass was fairly high. The estimate was about 2 mmt in the Navarin area. However the results of the 1998 survey indicates the composition has changed drastically. Therefore, the 1998 TAC was not realized. Next year's TAC will be set based on the results of the 1999 research and catch data.

6.A.7. Korea asked to get the U.S. report in writing; the U.S. stated that some of the numbers were preliminary, but it would provide this information after U.S. domestic review of the data. Korea stated that it understood that the EBS has increased by 61% and the WBS is slightly higher. The

CBS biomass is a combination of the two; if these two estimates are submitted at the Annual Meeting, the data can be combined with the data from the CBS surveys to arrive at the most accurate assessment.

6.A.8. The U.S. clarified the biomass in the EBS has remained about the same and that the Bogoslof Island biomass has actually decreased from 492,000 mt in 1998 to 392,000 mt in 1999. The status of these stocks is thus not dramatically improving. The 61% increase in the EBS stock is an increase in the bottom trawl survey biomass. When the U.S. conducts its surveys, it combines this with other data to refine the status of the biomass estimate. The North Pacific Fishery Management Council planning team will meet November 15-19, 1999, to refine the estimates of the biomass.

6.A.9. Russia stated that in the WBS it has observed a drastic reduction in the biomass; this means that the WBS stock, which provided the Aleutian Basin stock, is at minimum levels. Therefore, the pollock distribution does not extend beyond the shelf. Prevailing conditions led to the condition of the stock leaving the Russian EEZ. Russia has no practical evidence that the Navarin stock moved the Aleutian Basin in the 1999. In the 1980's, pollock biomass in the WBS was 2.5 mmt and about 1.5 mmt was annually distributed into the Aleutian Basin.

6.A.10. Korea stated if might make sense to include the results of the U.S. and Russian biomass estimates in the S&T meeting. The U.S. stated it has always provided this information and will continue to do so.

6.A.11. Japan stated it appreciated receiving the preliminary biomass and catch data from the U.S. Japan understands that the U.S. also has time/area closures in place and would like to receive information on them also. The U.S. commented that the North Pacific Fishery Management Council will meet next week. Japan requested the final biomass and catch data once that meeting concludes. The U.S. stated it would be happy to provide that data, along with the area/time closure information.

6.B. <u>The Establishment of a Plan of Work for the Scientific and Technical Committee.</u>

6.B.1. The Chair of the S&T Committee highlighted the work planned for 2000 from the S&T Committee Report. A workshop to discuss how changes in environmental conditions had affected pollock was proposed, but not fully discussed.

6.B.2. The U.S. stated it supported such a workshop as a way to help identify why the stocks are not recovering. Russia stated it supported a workshop. One of the results of a workshop might be to report on the effectiveness of the moratorium on the pollock stocks, but it appears the stocks have been greatly affected by environmental conditions. Poland stated it supported the workshop.

6.B.3. Japan stated that environmental change has possibly had a large impact on the pollock stocks, but perhaps the term environment needs to be defined, since it means many things, including ocean currents and temperature change. Japan stated that the Parties should better understands what the workshop would entail. The Parties need to identify all the factors, including environmental changes, that may have prevented the recovery of the CBS pollock stocks, even after 7 years of moratorium. These factors may include such issues as the practices of fishermen in the US and RS EEZ and marine mammal interactions, since Steller sea lions feed on juvenile pollock.

6.B.4. The U.S. asked that discussion of the objectives and scope of the workshop be deferred until

after the AHL issue is resolved. The U.S. differs from Japan on the Steller sea lion issue and thinks the decline in pollock have actually contributed to the decline of Steller sea lions.

6.B.5. Korea stated that the results of the September 1999 workshop will also have a bearing on what is discussed at the proposed workshop. There were some problems identified at the September 1999 Stock Identification Workshop regarding the collection of samples and testing the samples. There are common themes between these workshops and they should be linked together.

6.C. The Adoption of Appropriate Conservation and Management Measures Based Upon the Advice of the Scientific and Technical Committee.

6.C.1. Dr. Marasco referred the Parties to agenda item 5 in the S&T Report for the status of work on observers, catch weight, catch reports, and reallocation of quota. **Dr. Marasco reported that the Parties had agreed to a Korean proposal for biweekly catch reports.**

6.C.2. The U.S. stated it supported the work of the S&T and the possibility of a future intersessional meeting on observers. Further, work on establishing the fishing season must be completed in preparation for a future fishery. The U.S. did not agree with the proposal of Japan for quota allocation.

6.C.3. Japan noted that some issues could be solved in a timely fashion for Enforcement and Management (E&M). Japan believes that E& M measures should be kept at a minimum to not overburden the fishermen and prevent them from making a profit. The Parties should look at these requirements from the fishermen's point of view and keep them to a minimum.

6.C.4. Korea reiterated with the need to set the AHL during the Annual Conference. Korea noted that in conjunction with setting the AHL, the Parties are discussing conservation and management measures. The Parties should reach consensus for the conservation and management measures and the Parties should also reach consensus for setting the AHL.

6.D. The Establishment of the Allowable Harvest Level (AHL) for 2000.

6.D.1. The Parties spent a considerable amount of time discussing the AHL for 2000. The position of each Party is summarized below.

China

6.D.2. Each of the Parties has different views on AHL, particularly the scientific basis for setting the AHL. At this time it seems impossible to reach the 1.67 mmt necessary to trigger a fishery. China made the following points: 1. The Parties need to exercise patience while the stocks recover and questioned how long the Parties would have to wait for the stocks to recover enough to set an AHL. 2. The research vessels only cover a small portion of the CBS. China supported the Japan proposal that the Parties should set a minimum AHL, not for the purpose of resuming commercial fishing, but because it can be done based on sound science. 3. By setting a minimum AHL, the Parties can develop and exercise the management plans for the CBS, including training for observers. The Parties could to determine whether these management efforts are effective and could be applied to a full fishery. The minimum AHL proposed by Japan would allow the Parties to test the management systems. 4. Finally, the Parties should take into account the data compiled over the last seven years and consider setting a minimum AHL. Chinese fishermen cannot accept continued zero AHL.

6.D.3. China reminded the Parties that each of the Parties has the right and responsibility to participate in regional fisheries organizations in accordance with the UN Fish Stocks Agreement. After 7 years it is clear that the need for fisheries management has only intensified. Our concern is to base management on science. China pointed out that the IWC has a wide influence due to its large membership and it allocates quotas, to some countries according to their basic needs. China suggested that each Contracting Party should observe international agreements rather than using its domestic law against other States.

Japan

6.D.4. Japan reiterated the position on AHL it expressed in the S&T Meeting. AHL should be established at a small amount, if it is scientifically rational, even if the minimum threshold in the Annex has not been met. The decision whether or not to fish that AHL, is another matter. Japan proposed to set a small AHL, but it did not propose to fish that AHL. Japan believes there is scientific support for setting a small AHL. Japan is fully aware that the fish stock is very small in the CBS, so that any AHL established, and any resulting INQs would be also be very small and probably would not be economically viable for fishermen. More important than setting an AHL is the issue of why the stocks are not recovering. The Parties need to focus their efforts on this. The fishermen cannot understand why there is still no fishing in the CBS. In order to facilitate cooperation, Japan believes the establishment of a small, scientifically rational AHL is logically possible and the Parties should consider the grounds for continuing the moratorium. Despite 7 years of moratoriums, the stocks have not recovered. The Parties need to concentrate their efforts to determine why this is. Japan reiterated it was not advocating a resumption of fishing until the stocks have recovered and management measures are in place.

6.D.5. Japan added that the discussion on setting and AHL had proceeded too quickly. While Japan has advocated setting a minimum AHL, it agreed with the U.S. has stated that our priority ought to be on rebuilding the stocks and sustainable fishing. Japan added that Article VIII states the INQ should not exceed AHL, but it does not state AHL must be set at zero. Even if a minimum level of AHL is established, it would still be possible to set the INQ at zero, in accordance with international wisdom. Fishermen and others follow the work of our Convention. If the AHL continues to be set at zero for more than 7 years many will question the Parties' actions. The Parties should review the effects of the moratorium and the rational basis for the moratorium, and there appears to be agreement among the Parties to do so.

Korea

6.D.6. Korea stated that it has cooperated with the other Parties to manage and conserve pollock resources in the Convention Area since the moratorium began in 1993. Korea has also actively participated in research surveys in the Bogoslof Island area and the CBS from 1994-97 and 99, and has placed scientists on other Parties' research vessels. Seven years have passed since the moratorium was established, but the pollock stocks have not rebounded sufficiently to reach the 1.67 mmt necessary to establish an AHL and it may take a long time for this to happen. To Korea, this number no longer appears rational. Korean fishermen have faced many economic difficulties during this period, but have patiently waited to resume fishing. Korea stated that the purpose of the Convention is to manage and conserve pollock, while at the same time, realizing rational utilization of the resource. Korea believes that the Parties need to clearly identify the reasons for the failure of the stock to recover, as well as the effects of the moratorium on the stocks. For example, there may be problems with the coastal nations fishing practices, environmental conditions, or with marine mammal predation on the pollock. Korea believes the Parties should have a frank and detailed discussion on these issues prior to the next meeting.

6.D.7. Korea explained the rationale for why it believes the Parties need to establish an AHL. It said that the ultimate purpose of fisheries management and conservation is to benefit human kind. Although the Parties need to preserve the resource for future generations, they also have an obligation to consider the current generation. There are many international organizations concerned with the conservation and management of fisheries resources and Parties are abiding by the rules set by those organizations. Of all the international Conventions established thus far, this Convention is the only one that has not set a quota. The U.S. mentioned that Parties must wait until the pollock biomass in the Convention area reaches 1.67 mmt before resuming fishing. Korea believes the Parties should set an AHL based on a percentage of the current stock level. If Parties really want to comply with the Convention, Article VII-1 states the priority—the establishment by consensus of the AHL. If the Parties can't agree on an AHL, then they must refer to Article VII-2. Korea said that the U.S. is placing greater priority on Article VII-2 than Article VII-1. The Parties must consider Article VII-1 before considering Article VII-2. As Korea proposed in 1998 and 1999 and Japan proposed this year, the Parties should set a minimum AHL as a symbolic gesture to the fishermen that have waited patiently through the seven-year moratorium. Korea said it does not advocate pursuing a non-responsible moratorium. A symbolic AHL would be in compliance with Article VII-1 of the Convention. If the Parties set an AHL and no fish are caught, then the economic burden will be on the fishermen. If the U.S. does not believe in setting an AHL, then it is not conforming with the Convention.

6.D.8. Korea believes it time for the Parties to reach a consensus on AHL, particularly the proposals made by Korea and Japan. It does not believe that a minimum AHL represents a danger for the stocks.

Poland

6.D.9. Poland stated that the Report of the S&T was adopted by the Conference. The S&T statement on AHL that was read by the Chair of the S&T indicated that the Parties had considered the AHL proposals by Japan and Korea and that the Parties should review effects of moratorium. In view of this statement, Poland proposed establishing a minimum AHL. Poland stated that the scientific approach to setting AHL has been discussed several times during this Meeting. The U.S. has described an absolute biological catch method that it uses to manage its stocks within the U.S. EEZ and questioned if that same method could also be used for the CBS stocks.

Russia

6.D.10. Russia emphasized that when the Parties signed this Convention, they showed their dedication and political will to comply with the Convention in an effort to preserve the CBS pollock stocks. Russia suggested the Parties examine the Bogoslof Island stocks, which only inhabit the U.S. EEZ. By the Annex to the Convention, the Parties have agreed this stock comprises 60% of the Aleutian basin stocks. The absolute abundance of the CBS stocks is unknown, but trial fishing has yielded very few fish. The Parties should consider the political and economic ramifications of our decisions, as well as basing these decisions on science. The Convention is fair and should be followed.

6.D.11. In responding to comments made by other Parties, Russia called the attention to the Russian Pollock Stock Assessment (Attachment 12 of the S&T Report). During the period from 1978 to 1992, the WBS stock that migrated to the CBS was in excess of 2.5 mmt. From that, less than half migrated to the high seas. After more than 9 mmt, including fish from the WBS stock, were removed from the high seas area, one can see a dramatic decrease in the stock. Such a sharp decline had not been observed before. There are no strong year classes since 1995. During the same period in the 1990's Russia has rebuilt the herring stocks that occur in the Navarin Basin.

Russia does not foresee any improvement in the WBS pollock stocks, since the herring stocks are expanding rapidly. Annex 8 pictures for the Bogoslof stocks reveal answers to why the Bogoslof Island stock has not recovered. The Parties may recall a sharp decrease in the flow of water from the Aleutian Basin into the Bering Sea. Russia believes this factor contributed to the failure of the stocks to recover. Russia has been conducting pollock studies here since the 1960's and has never observed such a distribution of the Bogoslof Island stocks. Therefore, changing environmental conditions, not the moratorium, are to blame for the failure of stocks to recover.

United States

6.D.12. The U.S. is very sympathetic to the concerns of other nations and their fishermen that the Aleutian Basin pollock stock has not recovered and that harvests are not being realized by the Parties despite the suspension of fishing on these stocks for 7 years. The U.S. delegation pointed out that U.S. fishermen foregone harvests in the U.S. zone in the Bogoslof area amounting to $25 million per year over this time period, if the U.S. had assumed that the Bogoslof stock was independent. The U.S. said that it has not fished in Bogoslof in recognition of the spirit of the Convention, which recognizes the Bogoslof spawning pollock as an essential component of the Aleutian Basin stock, which needed to be protected to assure rebuilding over time. The United States believes that the harvest foregone at Bogoslof by the U.S. is the most significant measure the Parties are taking to rebuild this stock. Although all of the Parties have a real desire to resume fishing on this stock as soon as possible, the U.S. does not think that time has arrived.

6.D.13. The U.S. asked the Parties to consider the following items. The U.S. did not over-harvest and cause the decline in the first place. The Aleutian Basin pollock harvests in the Central Bering Sea totaled over 7 mmt from 1984 to 1991, representing a very significant removal. This is the reason why it is taking a long period of time for the stocks to recover. Fishing only ceased after the Aleutian Basin stock had been fished to such a low level that a commercial fishery in the Central Bering Sea was no longer economical. Fishing stocks to such low levels may lead to long periods of decline and, even if environmental conditions are good, recovery may be slowed by a lack of brood stock. The U.S. stated that seven years does not seem that long, considering the prior removals. Bogoslof pollock spawning biomass declined from 2 mmt at the height of the CBS fishery to currently about 1/5 that size. There is no indication of significant populations of pollock in the Aleutian Basin, either from trial fishing (Poland reported catching only two pollock during its most recent effort), or biomass surveys conducted by the Parties. The relationship between EBS pollock and Aleutian Basin stocks is unclear, but similar ecological forces must act on both stocks. The pollock biomass in the EBS is substantially below the level that existed at the peak of the Aleutian Basin fishery (over 10 mmt down to half or 60% of that presently). There is no forecast that the previous levels will be reached any time soon. The relationship between the Aleutian Island stock and the Aleutian Basin is undefined, but out of concern for the overall health of this stock and its ecosystem, this area was closed to fishing during 1999 and is forecast to remain closed in 2000 and possibly beyond. This is a new conservation action taken by the U.S. and will enhance overall rebuilding of pollock. The WBS stock in the Russian zone is also thought to contribute to the Aleutian Basin population and has declined 10-fold to a level only supporting a harvest of 37 mt with no rebuilding in sight and apparent poor recruitment as is the case in Bogoslof.

6.D.14. The U.S. has not changed its mind on the goals the Parties are pursuing in the Convention. It is committed to meeting its conservation obligations to rebuild the Aleutian Basin pollock resource. The U.S. agreed with the other Parties that further research is needed on stock composition and biomass strength in the Aleutian Basin, and that trial fishing and stock assessment at other times and with expanded frequency may be desirable. However, the AHL levels proposed by Japan and Korea are too low to be considered commercially significant. The U.S. does not

advocate misleading the fishermen with a symbolic AHL, even if it is known that such an AHL is not economically viable. To say there is an economic opportunity in the Donut Hole, when there is no opportunity, is not the path the Parties should take. The U.S. believes that such benefits are minimal in contrast with the potential risks to the rebuilding of the resource. The conclusion that resumption of a commercial enterprise in the Central Bering Sea is warranted at present stock levels and that the 1.67 mmt biomass minimum is not realistic and should be modified, are concepts that the U.S. cannot agree with. The U.S. supports setting the AHL at zero for 2000. The U.S. reminded the Parties that they should be guided by the three historic instruments to achieve sustainable fisheries.

6.D.15. The Chair noted the Conference failed to reach consensus on an AHL for 2000 as required by Article VII-1, therefore in accordance with Article VII-2, **since the Conference failed to reach consensus, the AHL for 2000 will be set at zero.**

6.D.16. Korea agreed that despite all efforts to reach consensus, the Parties were unable to reach consensus. Korea suggested wording that all Parties would exert all efforts in order to set an AHL during the next Annual Conference. Russia added that this would be acceptable, provided the state of the pollock stock justified setting an AHL. The U.S. agreed that Parties would always work to achieve consensus.

6.D.17. Representatives of the Parties drafted a proposal for a CBS Pollock Workshop. Korea stated it was not fully satisfied with the wording of the proposal since it felt it was more important is for the Parties to move forward with setting an AHL and hopes that the workshop can work to that end. **The Conference agreed to the following proposal:**

> *"The Parties agree to hold a "Central Bering Sea Pollock Workshop" prior to the year 2000 Annual Conference to review the status of the Aleutian Basin pollock stock, factors affecting the recovery of the stock including prey-predator relationships, and the effects of the moratorium and its continuation. The Workshop will also consider proposals for strategies to rebuild and/or reassess the Aleutian Basin stock with a shared goal of resuming fishing operations as soon as possible consistent with sound biological principles, and to consider methodologies to determine allowable hovers levels (AHL), including the proposals made by Japan and Korea, among other.*
>
> *The United States will develop the agenda in consultation with a designated contact from each Contracting Party via e-mail. The workshop would be held in the United States or Japan. The designated contact persons are Loh-Lee Low (U.S.), Boris Kotenov and Vladimir Radchenko (Russia), Ichiro Kanto (Japan), Chong-Guk Park (Korea), Jerzy Janusz, (Poland), and Liu Xiaobing (China)."*

6.E. <u>The Establishment of the Individual National Quotas (INQ) for 2000.</u>

In accordance with Article VII-2, since the AHL for 2000 was set at zero, no individual national quotas (INQ) were established.

6.F. <u>Trial Fishing Plans in 2000.</u>

6.F.1. Japan explained that it had no trial fishing plans at this time. However, however, if a plan prepared, Japan will submit it to the other Parties via official channels.

6.F.2. Korea stated the *F/V ORIENTAL DISCOVERER* would conduct trial fishing in 2000 and will notify the other Parties at least one month prior with the details for this trial fishing plan.

6.F.3. Poland tabled its 2000 trial fishing plan (Appendix 4) and will provide more details for this plan prior to conducting the trial.

6.F.4. China stated it is considering conducting trial fishing with two vessels in 2000 (Appendix 5), but it has not yet formalized its plans. China will notify the other Parties once it formalizes its trial fishing plans for 2000.

6.G. The Establishment of the Terms and Conditions for Trial Fishing in 2000.

6.G.1. The Chair for the S&T Committee stated the S&T Committee did not discuss this issue, but recommended using the same terms and conditions from 1999 for 2000.

6.G.2. Korea stated it wanted to discuss these trial fishing terms from 1999. Korea asked about the provision of the terms regarding the scientific observer. Korea supports one flag-State observer, but not an additional Scientific Observer from another Party. Korea noted that it understood that the Parties have agreed that only one observer per vessel is required. Korea proposed to delete the section of the trial fishing terms that provide for the non-flag State observer.

6.G.3. The U.S. stated it did not understand why Korea objected to having this additional scientific observer on board who would be there to gather scientific data.

6.G.4. Korea responded that during previous Annual Conference discussions, the U.S. and Russian delegations said that as many as six observers might be necessary on board the vessels. Korea proposed that only one observer be required in the trial fishing terms. If a non-flag State Party wanted to have an observer at its own expense, that is acceptable, but it would require detailed discussions between Korea and the non-flag State. More scientific observers would always be better, but with more than two observers they might disrupt fishing operations.

6.G.5. The U.S. stated there might be some confusion over the difference between the trial fishing observers, who are for scientific purposes, and the observers that will be on commercial vessels. This is the subject of work currently being conducted by members of the Enforcement/Management Group of the S&T Committee.

6.G.6. Korea stated that the Korean survey vessels have additional accommodations for observers, but observer accommodations on the trial fishing vessels are somewhat limited and not very comfortable. The U.S. repeated that the terms allow for up to a total of two observers, which should not pose a burden for the trial fishing vessels. Korea proposed a modification to the language of the terms and conditions under the Korean proposal, for its own observer, the non-flag State Party would bear the financial burden for its own observer. The Parties agreed.

6.G.7. Korea questioned the two vessel limitation on trial fishing. If the AHL is set at zero this year, Korea needs to give a positive sign to its fishermen. Poland and China have indicated they intend to conduct trial fishing in 2000, but for a new vessel to fish there without experience will entail significant cost to the fishing vessel. Therefore, Korea proposed the number of trial fishing vessels be limited to five, instead of two vessels.

6.G.8. The U.S. stated that based on the trial fishing conducted up to this point, a maximum of two vessels per Party at any time is sufficient. But five vessels, times the six Parties would constitute quite a fleet.

6.G.9. Poland stated it had conducted trial fishing in the past and supports the Korean proposal to allow up to five vessels to conduct trial fishing in the Convention Area.

6.G.10. Korea stated it believed the U.S. was approaching this from too simple a point of view. The Parties should continually work to better estimate the biomass of the pollock resources in the Aleutian Basin. Therefore, it would be better to have more vessels in the area to conduct scientific surveys.

6.G.11. Korea based its proposal to increase the number of trial fishing vessels from 2 to 5 to increase research efforts. The U.S. read the requirements for trial fishing from the Convention. To date, the Parties have not been following the letter of the Convention, which requires trial fishing plans to be submitted to the S&T and approved by the Annual Conference. The trial fishing that has occurred has been completed on short notice and has not been approved by the Annual Conference. Korea responded that at the first Annual Conference in Moscow, it was agreed that trial fishing plans would be submitted to the Annual Conference if the AHL was zero, but the AHL is not set until the Annual Conference, so the Parties cannot know if there will be trial fishing until after the Annual Conference sets the AHL at zero. There seems to be a procedural disconnect on this issue.

6.G.12. The U.S. stated it was sympathetic to the need for scientific research, but trial fishing was heavily debated when this Convention was drafted. The decision at that time was to limit the number of trial fishing vessels be limited to two vessels. The U.S. has not received any research plans from the other Parties that would necessitate the need for 5 vessels. The U.S. currently conducts research over a much larger area with just one vessel for only two months out of the year and the current trial fishing plan of 2 vessels per Party allows for much more research.

6.G.13. Poland stated that based on the research proposals submitted during the S&T Meeting, it felt the increase to 5 trial fishing vessels should be discussed further. Poland stated that only the Annual Conference could increase the number of trial fishing vessels, so if this issue is discussed at the proposed CBS Pollock Workshop, it might be possible that the number of trial fishing vessels could be discussed during the next Annual Conference, based on research proposals developed by the Parties over the next year. Russia agreed that trial fishing should be kept at two vessels per Party.

6.G.14. Korea stated the decision to conduct trial fishing is made at the Annual Conference on the premise that AHL may be set at zero, however, Korea has always operated on the premise that the Parties will be able to reach consensus on setting an AHL and therefore it does not always have its trial fishing proposal ready for the Annual Conference. The need for research in the CBS is greater than for areas the U.S. surveys. Korea is not in a position, at this time, to submit a trial fishing proposal for 2000. The U.S. responded that there is nothing preventing the Parties from, prior to setting the AHL, presenting trial fishing proposals in the event the AHL is set at zero.

The Parties agreed to add trial fishing as a topic of discussion for the proposed 2000 CBS Pollock Workshop and present recommendations during the 2000 Annual Meeting.

The Parties agreed to Trial Fishing Terms and Conditions for 2000 (Appendix 6) including the Polish proposal (Appendix 4).

6.H. The Reception of Reports Relating to Measures Taken to Investigate and Penalize Violations of the Convention.

No comments.

6.I. The Consideration of Matters related to the Conservation and Management of Living Marine Resources other than Pollock in the Convention Area.

No comments.

6.J. Meeting Observers.

6.J.1. The U.S. and the Russian Federation tabled a revised proposal (Appendix 7) for observers for the Annual Conference and Subsidiary Bodies. The language of the proposal is identical to observer rules approved this year at the Northwest Atlantic Fisheries Organization (NAFO) Annual Meeting. Among the Parties here, only China is not a member of NAFO and the U.S. believes that the Parties could accept these rules.

6.J.2. Korea tabled a transparency proposal of its own (Appendix 8) and read that proposal, which outlines Korea's concerns about NGO participation with this Conference. Korea would like more time to consider this issue.

6.J.3. China stated it was concerned that NGO participation in the Annual Conference could complicate issues and cause the discussion to bog down. Therefore, the issue should be discussed more in the future before a proposal is adopted.

6.J.4. Japan agreed with China. In the past Japan has observed many problems with NGOs in other international organizations. Japan does see merit in transparency, so it might be important to return to the starting point and ask, what is an observer. They should be people that observe the Conference, but not participate in discussion. The observer presence alone should guarantee the necessary transparency. Japan carefully reviewed and prepared a response (Appendix 9) to the joint proposal tabled last year by the U.S. and Russia. Japan noted that it has not had the opportunity to submit this new proposal to similar scrutiny by its experts in Japan. Japan added that observers should not be allowed to participate in activities of the working groups. Japan will take this latest proposal back to Japan for review by its experts.

6.J.5. The U.S. suggested extending the current interim observer rules for one more year.

6.J.6. Korea stated it agreed transparency should be established, but all Parties should be able to fully express their views. Therefore observers should be limited to the non-Party States and IGOs. Korea is concerned that the presence of observers could hinder the AHL discussion. For these reasons, Korea cannot agree with the joint U.S.-Russian proposal.

6.J.7. China and Korea did not support the joint proposal and Japan stated it needed more time to review the latest proposal. The Parties agreed to discuss this matter further at the Fifth Annual Conference. **In the interim, the Parties agreed to the same observer rules for 2000 that were used in 1998 and 1999.**

7. Fifth Annual Conference.

7.A. Time and Location.

The People's Republic of China offered to host the Fifth Annual Conference from November 6-10, 2000, in Shanghai. The PRC will notify the other Parties of any changes to the time and place via diplomatic channels and asked the Parties to provide a focal point for the passing of information.

7.B. Election of Chairperson and Vice-Chairperson.

7.B.1. Under the Rules of the Procedure for the Annual Conference, the Parties shall elect as Chairperson a nominee of the Party hosting the next Annual Conference. The PRC, as the host country for the Fifth Annual Conference, named Mr. Zhong Ying Qi, President of Shanghai Fisheries University, as Chairperson.

7.B.2. Poland offered to host the Sixth Annual Conference in 2001. In keeping with past practices, Poland will identify a Vice-Chairperson for the Fifth Annual Conference at a later date.

8. Other Business.

8.1. Japan tabled two proposals: a Stock Identification Workshop Follow-Up Plan (Appendix 10) and a paper on the Ecosystem Approach by the Fisheries Agency of Japan (Appendix 11). The first paper summarizes steps that should be followed to continue work discussed at the Stock Structure Workshop. Dr. Marasco indicated that Parties should identify a contact person at the earliest possible time. Drs. Marasco and Kobayashi will work together to ensure the goals of the Workshop are realized. The second paper is a continuation some thoughts from a paper presented during the S&T Meeting (Attachment 17 to the Report of the S&T). Japan asked that the Parties review the proposals and notify Japan if there are any questions. Korea supported the Japanese proposals and stated that the both studies outlined by Japan would require the cooperation of the U.S. and Russia since it requires data from the EEZ's of those Parties. Dr. Marasco indicated that these items would be included in the 2000 work plan.

The Annual Conference approved and adopted the Report of the S&T Committee and the Report of the Annual Conference.

The Annual Conference agreed on a joint press release (Appendix 12).

9. Closing Statements.

The Parties closing statements are provided in Appendix 13.

10. Adjournment.

Chairperson Im adjourned the Fourth Annual Conference at 1235 on Friday, 12 November 1999.

Appendices:

1. Opening Statements
2. Delegation Lists
3. Plenary Agenda
4. Polish 2000 Trial Fishing Proposal
5. China Trial Fishing Vessels for 2000
6. Trial Fishing Terms and Conditions for 2000
7. Draft Joint Russia-USA Proposal on Rules for Observers
8. Korean Proposal on Transparency
9. Japanese Response to 1999 Russia-USA Transparency Proposal
10. Japanese Stock ID Workshop Follow-Up Plan
11. Japanese Ecosystem Approach
12. Joint Press Release
13. Closing Statements