

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

**30 November - 4 December 1998
Tokyo, Japan**

Final, 4 December 1998, 1200

1. Opening of the Conference.

On behalf of the Japanese Government, Mr. Yasuo Takase, Director, Fishery Division, Economic Affairs Bureau, Ministry of Foreign Affairs, 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 Third Annual Conference. Mr. Takase convened the Annual Conference at 1030, Monday, 30 November 1998.

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.

2.3. With the unanimous agreement of the Parties, Ms. Hiroko Omori, the Deputy Director, North Pacific Anadromous Fish Commission and Mr. Steven Kihara, Second Secretary (Economic), Canadian Embassy in Tokyo, were admitted as observers at the Annual Conference.

3. Elections.

3.A. Chairperson.

Mr. Kyoichi Kawaguchi was elected Chairperson at the conclusion of the Second Annual Conference, but he was transferred to another position and is not able to attend this Conference, therefore Mr. Yasuo Takase, Director, Fishery Division, Economic Affairs Bureau, Ministry of Foreign Affairs, was elected as Chairperson.

3. B. Vice-Chairperson.

Mr. Chong Guk Park, head of delegation for Korea, was elected Vice-Chairperson.

3.C. Rapporteur.

LCDR Dwight Mathers (United States) was appointed as rapporteur to assist the host country's Mr. Kiyoshi Katsuyama, Deputy Director, International Affairs Division, Japan Fishery Agency, with the preparation of the reports for the Third Annual Conference.

3.D. Chairperson and Vice-Chairperson for the Scientific and Technical Committee.

Dr. Richard Marasco (United States) was confirmed as Chairperson for the Scientific and Technical Committee. Dr. Tokimasa Kobayashi, senior scientist for Japan, was elected as Vice-Chairperson for the Scientific and Technical Committee.

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 30 November - 2 December 1998. The S&T Committee produced the S&T Report which was distributed separately to the Parties. The Chair indicated the Plenary would make a decision on acceptance of the S&T Report later during the Conference once the delegations have had the opportunity to fully review it.

5.2. Dr. Marasco reported on the following topics from the S&T Meeting.

5.3. Trial Fishing -- Only Poland conducted trial fishing in 1998. That vessel found only a few specimens of pollock in the central Bering Sea. A research cruise by Japan and another by Russia conducted in the central Bering Sea also did not detect pollock.

5.4. Trial Fishing Plans -- Only two countries intend to conduct trial fishing in 1999. Poland intends to deploy its vessels, but the time schedule is unknown. China intends to deploy two vessels in May-June 1999. Once these vessels complete their trial fishing, China may send two additional vessels at a later date.

5.5. Cooperative Research Plans -- Since the United States' *R/V Miller Freeman* will be unable to conduct the Bogoslof Island survey in 1999 due to being in the shipyard, Japan has volunteered its *R/V Kaiyo Maru* to replace this survey in the Bogoslof area during February-March 1999. Japan has invited scientists from the Contracting Parties to participate in the cruise. Any requests by the Parties to participate in this research venture must be submitted to Japan by December 10, 1998. The U.S. intends to send two scientists to participate. China has expressed an interest to participate. Korea has recently completed a new research vessel, the *R/V Tamgu No. 1*, but it is not certain when it will be available due to testing required on the vessel. Korea will provide a detailed plan at a latter date once the plan is confirmed. Japan intends to conduct a research cruise in the CBS in the summer and fall of 1999 using a trawl vessel with echosounding gear. The research plan for the *R/V Kaiyo Maru* is included as Appendix 4.

5.6. Allowable Harvest Level (AHL) -- Considerable discussion took place on this topic. Dr. Marasco reminded the Group that the S&T does not set the AHL, that is done in the Plenary Session of the Annual Conference. The S&T can make recommendations to the Plenary. Dr. Marasco summarized the discussions in two parts - (1) the data, and (2) the views expressed by the participants.

5.6.1. First, the Data --

5.6.1.a. The Science Group Intersessional Meeting concluded there was “insufficient information to directly estimate the Aleutian Basin pollock biomass.” This conclusion was reaffirmed by all the Parties. Poland further stated that this determination should only be made if all efforts have been exhausted to reach consensus on an AHL by the Annual Conference.

5.6.1.b. To indirectly estimate the Aleutian Basin pollock biomass, Annex I (b) of the Convention had been used in the past to make this determination. The Aleutian Basin pollock biomass can be extrapolated from the U.S. *R/V Miller Freeman* survey data from March 1998. The Aleutian Basin pollock biomass would extrapolate out to be 720,000 metric tons, which is 950,000 metric tons less than the 1.67 million metric tons necessary to trigger a positive AHL according to Annex I (c) of the Convention.

5.6.2. Second, the Participant’s Views --

5.6.2.a. Korea -- As noted in the Korean opening statement, Korean fisherman have been placing pressure on the Korean Government to reopen the fishery that has been under moratorium for the last several years. Korea would like to propose a token AHL to appease the fishermen and reward them for their efforts over the past years of moratorium. Korea submitted and explained an AHL Proposal for 1999 (included as Attachment 5 to the Report of the S&T Committee). Korea explained that the total Aleutian Basin biomass for 1998 was 720,000 metric tons – which represents 43.1 percent of the 1.67 million metric tons required to trigger a fishery. Korea proposes setting the AHL at 43.1 percent of the 130,000 metric ton AHL specified in Part 1 (c) of the Annex. This would make the AHL 56,000 metric tons. Korea further suggested that the AHL be divided equally to provide an INQ of 9,333 metric tons for each Party.

5.6.2.b. China, Poland, and Japan -- The Korean proposal of setting AHL was supported fundamentally by China, Poland, and Japan. All three of these Parties expressed the difficulty of their fishing industry to accept no AHL after many years of no fishing.

5.6.2.c. Russia stated that if we set up estimated allocations according to the Korean proposal it would not be consistent with the Convention and the scientific data. This is especially true considering that very few pollock were caught during Poland’s trial fishing in 1998.

5.6.2.d. The United States agreed with the Russian view based on the best scientific information available and the lack of pollock caught during trial fishing.

5.6.2.e. The Chairman’s Summary – For convenience, the Chairman of the S&T Committee summarized the discussion and its results as follows:

The Scientific and Technical Committee notes that Article VII, paragraph 1, 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 1998, the Alaska Fisheries Science Center determined that the biomass of the specific Area was 432,000 mt. Expanding this estimate to the entire Basin yields a biomass estimate of

720,000 mt. This is the best estimate of the 1998 Aleutian Basin pollock biomass. It is 950,000 mt below the 1,670,000 mt minimum established by the Annex in order for a fishery to occur. During discussions, it was revealed that the status of the pollock could improve due to increased recruitment. However, the exact strength of incoming year classes will not be known for several years.

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 delegation surfaced a proposal for setting AHL when criteria specified in the Annex indicate a zero AHL. The Scientific and Technical Committee believes that this is one approach that the parties may wish to consider in determining AHL for the coming year.

5.7. Trial Fishing Terms and Conditions for 1999 -- The Terms and Conditions for trial fishing were not discussed in accordance with Article X, paragraph 4.

5.8. Number and priority placement of observers required by Article XI -- The Parties discussed the number and priority for the placement of Article XI observers. Most of the Parties held the view that the Convention provides that only one non-flag state observer per vessel need be accepted by the flag-state, if so requested. Some Parties expressed concern that procedures should be developed to ensure an equitable opportunity for all Parties to place their observers on other Party vessels to meet the objective of Article XI paragraph 5 (c), which states, "The Program shall have as its objective a significant level of coverage by observers sent by non-flag-State Parties." This was a complex issue and consensus could not be reached at this meeting, therefore this will have to be considered further at future meetings.

5.9. Methods to determine catch weight -- The Parties discussed this issue in great detail recognizing that each Party employs different methods to determine catch weight. It was agreed that we should strive to use the best method or methods, in a statistical sense, to estimate catch weight. The S&T agreed that until this issue is resolved, either scales or volumetrics (calibrated bins or codend) catch estimation methods should be used.

5.10. Management Systems -- The Parties reached consensus that an INQ fishery would be the most equitable method to conduct a fishery in the central Bering Sea. The Parties discussed the allocation of quota with some of the Parties advocating a reallocation of quota after three years based upon previous performance in the fishery. Not all Parties share this view. This issue requires further discussion.

5.11. Source of data for management -- The Parties reached consensus that the Fishing Master data be used as the primary data to manage the fishery. Discrepancies between observer data and the Master's data would be investigated by the flag-state and the results provided at the Annual Conference. If the flag-State is unable to investigate the discrepancy prior to the Annual Conference, then the party involved will provide a written description detailing the reason why such a report could not be provided to the S&T Committee.

5.12. Transparency issues -- A Joint Russian-United States proposal was tabled for review and comment at the next Annual Conference.

5.13. Meeting Schedule -- The Parties reached consensus that the S&T Intersessional Meeting for 1999 should be incorporated into the next Annual Conference in order to reduce expenditures of each respective government.

5.14. The Chair thanked Dr. Marasco and the members of the S&T Committee for their hard work and contribution this week and at the Intersessional Meeting in September. The Chair opened the floor for comments.

5.15. The Conference agreed that the S&T Report is the official record of the S&T Meeting and should be attached to this report; however, the comments should be considered just that, the comments of the S&T Chairman.

5.16. The Chair suggested that the Parties review the official S&T Report with the goal of approving it by the end of the day.

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. reported that a detailed description of its efforts is available in the S&T Report from the September Intersessional Meeting in Seattle. In 1998, the U.S. conducted its usual bottom trawl survey. For 1998 the eastern Bering Sea (EBS) bottom trawl pollock biomass was estimated to be 2.21 million mt, down from 3.03 million mt in 1997. The U.S. did not conduct a hydroacoustic survey since it only does that every three years (last done in 1997). The assessment was conducted by the Alaska Fishery Science Center (AFSC) included updated catch data from the fishery. Based on that data, a proposal will be made at the next week's North Pacific Fisheries Management Council (NPFMC) to reduce the EBS pollock acceptable biological catch (ABC) by 11 percent to 992,000 tons. The 1996 year class appears to be a strong year class. In 1998, in the Bogoslof Island Management area the U.S. did not allow any directed fishing for pollock and slightly less than 100 metric tons were taken as bycatch.

6.A.2. Russia reported that at the Intersessional S&T Meeting, Russia presented documents on the pollock assessment for the Western Bering Sea (WBS) based on research from 1996-97 and the previous 10 years. Prior to 1995 there was a drastic reduction in pollock in the WBS with some increase in 1996, based on 1996-97 data. As far as 1998 is concerned, there were new data that is still being processed for a report. However, the initial assessment is that the optimistic view it held in 1997 will not hold in 1999. In 1997 and 1998 it reported the absence of pollock in the deepwater basin. Based on the data available at present, Russia believes no pollock will appear in the deepwater basin of the WBS. Based on 1996-1997 data, the Navarin Basin pollock biomass is stable at an estimated 1.6 to 1.7 million metric tons; these pollock are not known to have made the migration to the deepwater high seas portion of the basin. For 1998, preliminary data indicate a decrease in this stock, so Russian does not anticipate pollock will appear in the deepwater basin in 1999.

6.A.3. Japan asked the U.S. the following questions: 1) What is the total pollock biomass of the eastern Bering Sea that will be reported to the NPFMC next week; 2) What conservation and

management measures has the U.S. taken other than quota, such as closure of spawning grounds; and 3) Will there be directed fishing for pollock in the Bogoslof Island area in 1999?

6.A.4. The U.S. answered: 1) The total estimated biomass that will be provided to the NPFMC is 5.1 million metric tons down from approximately 6 million metric tons in 1998. The projected biomass for 1999 will be below the biomass maximum sustainable yield (B_{msy}) of 6 million mt. The NPFMC uses a procedure whereby the exploitation rate is reduced when the biomass drops below the B_{msy} . This information is provided in the Status of Stock documents provided to the Parties separately. The pollock harvest exploitation rate has been less than 20 percent. 2) There are two fishing seasons, A and B, with 45 percent of the quota allocated for the A season from the middle of January until the quota is harvested. The B season quota is 55 percent of the TAC and runs from September 1 until the quota is harvested. The Council also adopted a measure recently that prohibits bottom trawling for pollock. 3) With respect to Bogoslof, the U.S. referred to earlier comments on the 1998 measures, and indicated the directed fishing prohibition will continue in 1999, provided there is no fishing in the CBS and the Donut hole. The U.S. also mentioned that the NPFMC sets an ABC as well as an upper bound on fishing mortality for all species under its jurisdiction. If the Parties are interested in how this figure is determined, the U.S. would be pleased to provide that information.

6.A.5. Japan thanked the U.S. for the answers and asked Russia the following questions: 1) Russia mentioned a figure of 1.6 million mt in its statement, could it please explain what this is; and 2) What is the Russian harvest level for pollock in 1998?

6.A.6. Russia answered: 1) 1.6 million metric tons is the estimated exploitable biomass of pollock obtained in 1996 and 1997 for the Navarin Area. The data for 1998 has not been fully processed yet, but preliminary estimates indicate it has gone down to 1 million metric tons. 2) For the entire Russian EEZ, Russia has not adopted a TAC yet because the data are still being reviewed by the ecological experts group; Russia believes that figure will be about 800,000 mt. The approved TAC will be known by the end of the year. Additionally, some management measures have been added in the western part. The use of small mesh trawl has been prohibited and trawl with mesh 100-110 mm was introduced recently which resulted in a decrease in the catch of juvenile pollock.

6.A.7. Japan stated that from these reports, based on an hypothesis, that it would appear there are different stocks in Bogoslof and the Central basin and would like to know if the U.S. has been able to separate these stocks using DNA analysis like Japan has been doing recently for Minke whale stocks.

6.A.8. The U.S. responded that genetic work is ongoing with the specific purpose of identifying stock composition. In the S&T Intersessional Report Attachment 12, there is a description of the U.S. work in this area. Once the studies and analysis are complete the U.S. will make the results known to all the Parties.

6.A.9. Japan stated that based on its work with Minke whales, the distinction between the various stocks of Minke whale was discovered rather quickly. Japan asked why is it taking so long for the U.S.?

6.A.10. The U.S. stated there was no delay. This is new technology, using state-of-the-art techniques and procedures and we are proceeding as rapidly as possible. Of course, with

additional funds the process goes quicker, but the U.S. believes it is progressing at a reasonable rate.

6.B. The Establishment of a Plan of Work for the Scientific and Technical Committee.

6.B.1. Dr. Marasco reported on the research the Parties have indicated they will be conducting in 1999. First, the U.S. will be unable to conduct the Bogoslof Island survey due to refurbishment work on the *R/V Miller Freeman*. Japan has volunteered to conduct the survey in January and February and has provided an updated cruise plan (Appendix 4). Korea plans to conduct a survey with its new *R/V Tamgu No. 1* and will provide a schedule for this research once the vessel is fully operational and the research plan has been finalized. Russia is currently unsure about research plans for 1999, but expects to know by the end of January 1999 and will advise the Parties at that time. The U.S. will conduct a hydroacoustic survey in May-June and will request permission from Russian to enter the Russian EEZ to survey the Navarin basin. The U.S. suggested it would be beneficial if Korea, Japan, and the U.S. could coordinate an intership calibration of equipment if their research schedules permit. There continues to be a need to continue genetic research and the Parties have agreed to exchange information on each of their research efforts in this area.

6.B.2. Japan stated that at last year's conference, Russia suggested a pollock symposium. Japan asked about the status of the symposium. Russia responded that the symposium did not take place in 1998 because of funding difficulties and it did not anticipate adequate funding for 1999 to conduct the symposium.

6.B.3. Korea stated it is interested in microsatellite DNA analysis of pollock and suggested that the Parties needed to continue our efforts in this area.

6.B.4. Japan agreed that DNA analysis is an important method for the Parties to continue research of stock structure and offered to provide the results of Japan's considerable studies at the next S&T as appropriate and asked that each Party develop further questions to be discussed at next year's S&T.

6.B.5. Russia stated that the Parties should proceed with caution in regard to the genetic analysis of pollock and reminded the Conference that pollock are not whales. Whatever methods we used to assess various stocks of salmon should also be applied to pollock. This is especially important during spawning times. In the Russian northeast, significant advances have been made in this analysis, but the results were somewhat confusing. Some would maintain there are four stocks, others would maintain there is only one stock. In the CBS, the stock there has been virtually eliminated and it is unknown when it will recover, so it is unknown when we will have samples from there to study. We need to continue to use all methods of analyzing the pollock stocks and be careful not to restrict our efforts to genetic analysis.

6.B.6. The U.S. agreed that the issue of stock structure is extremely important and suggested we hold a workshop on this topic, immediately prior to the next S&T in Korea. At previous S&T Meetings we have discussed the need for the exchange of data among the Parties. By having a workshop we can facilitate this exchange and allow the various scientists to present their views.

6.B.7. Korea stated it would like to send a Korean scientist to the AFSC for 1-2 weeks for training in microsatellite DNA analysis, prior to the workshop.

6.B.8. Japan agreed with the need for the workshop and Russia's recommendation not to rely solely on genetic analysis. In fact, Japan uses several methods such as isozyme, morphology, parasite, etc., in addition to the DNA genetic analysis and suggested that all these methods be discussed at the workshop for which Japan would be happy to provide presentations on this topic.

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

Dr. Marasco stated that the S&T made some significant progress on this issue in the use of an INQ Management System, although the system for distributing the AHL among the Parties needs additional discussion.

6.D. The Review of Trial Fishing During 1997-1998.

6.D.1. Poland reported that it conducted trial fishing in 1997. One stern trawler conducted the trial over four days from October 12-15, 1997; a report of this trial fishing was submitted at the September S&T Intersessional. In 1998, trial fishing was conducted over a five day period in September, but very few pollock were caught. A full report will be submitted at the next S&T Meeting.

6.D.2. Russia stated that it did not conduct trial fishing, but a scientific research vessel passed through a portion of the donut hole and it did not detect any pollock.

6.D.3. Japan asked Poland what depth they towed their trawl net and asked if they used an echosounder. Poland responded there were three trawls in 1997 from 120-350 meters from an ordinary trawl fishing using a typical echosounder.

6.D.4. Japan asked the U.S. at what depth U.S. fishing vessels normally trawl for pollock in the eastern Bering Sea. The U.S. responded from the surface down to 200 meters. Poland stated that its vessels fish in the Russian EEZ fish as deep as 600 meters, but they normally fish at 100-500 meter depths. Japan stated that, similar to Poland, its vessels also fish down to 600 meters in the Russian EEZ.

6.E. The Establishment of the Allowable Harvest Level (AHL).

6.E.1. Dr. Marasco reported for the S&T Committee that the Parties had agreed there was insufficient information to directly estimate the Aleutian Basin biomass. By using the methods outlined in Annex I, the indirect biomass calculation would be 720,000 mt, which is below the 1.67 million mt required to trigger a fishery. The S&T believes that the Korean proposal to set a non-zero AHL when the criteria specified in the Annex indicate a zero AHL was one approach that the Parties may wish to consider in determining the AHL for 1999. The Korean proposal was fundamentally supported by China, Japan, and Poland.

6.E.2. Korea responded that its proposal to set an AHL had been discussed at length when it was proposed during the S&T Meeting.

6.E.3. Poland stated it has been six years since fishing was first suspended for pollock in the international waters of the Bering Sea. For three years this suspension was voluntarily conducted and for the last three years the suspension has been under the rules of this Convention. In 1995 the *R/V Miller Freeman* survey indicated the spawning pollock biomass was greater than 1.1 million mt in the Aleutian basin. This was 160,000 mt over the threshold required to trigger a fishery. But in the spirit of cooperation, the Parties agreed to continue the closure of the fishery on the basis of the biological arguments and counted on rebuilding of the pollock stock. However, that did not happen. Suspension of the fishery for pollock for the Aleutian basin stock in the donut hole did not rebuild the stock and no one knows why. Poland could not explain this situation to its fishermen. Poland will not repeat the argument of Polish fishermen to resume fishing since it is similar to what was clearly presented by the Korean delegation during our S&T Committee two days ago. Poland cannot promise, once more to its fishermen that the better decision will be taken in the future. In Poland's opinion, the establishing of AHL for 1999 is necessary. The fishermen have to be convinced by their own experience that there are no fish in the international waters of the Bering Sea. Such an approach does not create any danger for the stock for many reasons. First, if there are no fish in international waters, then there will be no fishing mortality of pollock stock. Second, if there is pollock in the international waters, then the establishing of AHL, at the level proposed by the Korean delegation, would not have negative influence on the stock. According to U.S. documents distributed during the S&T committee meeting the exploitation biomass of pollock in the Aleutian Basin area was estimated at 492,000 tons. There was no fishing mortality on this stock in 1998, but the projected stock size for 1999 decreased to 403,000 mt and ABC was calculated at the level of 17,000 tons, which means a 4.2 percent exploitation rate. For the Aleutian Island stock, which is close to Aleutian Basin stock, the biomass was estimated at 105,000 tons and the ABC for 1999 was at the level of almost 24,000 tons, this means a 22.5 percent exploitation rate. If we accept the same approach for the Aleutian Basin stock the ABC for 1999 would be over 90,000 tons. By this reasoning, the Korean proposition to establish an AHL of 56,000 tons is very reasonable. Such an exploitation rate for the Aleutian basin stock will be at a very low level. Therefore, Poland strongly supports the Korean proposal for establishing an AHL for 1999.

6.E.4. Russia stated that in 1999, pollock born in 1994 could appear in the Aleutian Basin, however data for 1998 show there are no pollock there. Russia had some hopes that something might appear in that part of the sea by the recruited year classes of 1995-1997. But in 1997, we did not observe the 1995 year class and it can assume it will not appear next year either. But if it does appear, this stock should be considered to form the basis of a future stock in the donut hole. We all know that 50,000-100,000 tons would be sufficient and such a possibility of the emergence of 50,000 tons in the CBS does seem possible although at this point it is just supposition. Russia believes that removing this fish would hinder the recovery of the stocks.

6.E.5. The U.S. commented on Poland's statement regarding the data for 1995 and notes that the Aleutian area biomass was 1.1 million mt, but in the Specific Area (as noted in Part I of the Annex), the appropriate biomass level is .992 mill mt below the trigger amount of 1.67 million mt. Further, the Polish statement assumes that it is possible to take a particular methodology and apply it blindly to other circumstance and achieve accurate results. The U.S. cannot support this approach that does not consider all the facts necessary in setting an AHL. Finally, in looking at the Aleutian Basin the U.S. is hard pressed to find data to support anything other than a zero AHL. As Russia suggested, the 1995-1997 year classes may be strong, but we should allow another year of data to be gathered to confirm that thought. U.S. fishermen have also been

burdened by the lack of fishing and even more so since the U.S. has severely restricted fishing in the Bogoslof Island area.

6.E.6. Korea stated it had discussed its reasons for setting a non-zero AHL for 1999. Per Article 7, Korea would like to suggest a non-zero AHL as indicated in the Korean proposal.

6.E.7. The Chair stated we have three options, 1) get consensus on a zero AHL, 2) get consensus on a non-zero AHL, or 3) per Article 7, in the absence of consensus use the procedures outlined in Part 1 of the Annex to the Convention.

6.E.8. China stated it had listened to all the opinions on AHL. It has noted and appreciates the efforts of the U.S. and Russian experts to survey the pollock stocks with the assistance of scientists of the other Parties. Despite this, the Parties have not been able to make a direct estimate of the pollock stocks making it necessary to conduct further research on the pollock stock. China also noted the proposal by the Korean delegation and believes it is reasonable. Despite many years of surveys, there has been no conclusion on the effects of the moratorium on the pollock stocks. China has been waiting for the results of these research efforts. The same explanations have been repeated for six years. It may take a long time to confirm the status of the stock in the CBS. China proposes to establish an AHL as suggested in the Korean proposal. The purpose of this proposal is to appease the fishermen and give them some hope that the fish stocks will recover so fishing can be resumed, even if this AHL figure is very conservative. China believes the Conference should focus on the Korean proposal for the sake of all the Parties fishermen. The Parties need to continue to encourage its scientists to refine their methods to accurately estimate the pollock stocks.

6.E.9. Japan stated that our mission here is to establish a sustainable management system to prevent overexploitation of pollock. It is clear that marine species biomasses, such as tuna, mackerel, sardines, horse mackerel, and cod, significantly declined from virgin stock levels. It is necessary to look at the composition of the biomass, whether it is robust and healthy, and whether the pollock resource could be harvestable based upon the currently available scientific information on the stock. Under Article 7, Japanese scientists have determined that the biomass composition can support a non-zero AHL. Japan believes we should not rely solely on Part I of the Annex. Japan strongly supports seeking consensus on the proposal by Korea. This AHL would be for one year only. This figure is very conservative and should not negatively affect the stock. Six years of moratorium has done nothing to improve the conservation and management of the stocks. Japan implored the two coastal nations to agree to the Korean proposal.

6.E.10. The U.S. read Article 6, paragraphs 1 and 2 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which states: *“1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment. 2. States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.”* The U.S. is sympathetic to the plight of all the Parties’ fishermen including those of the U.S., but stated that

the protection of the species and environment should continue to be the Conference's utmost goal.

6.E.11. Korea stated that during the S&T Committed Meeting, there was insufficient information to directly estimate the pollock biomass. Korea does not know how it can convince its fishermen to accept the scientific evidence that a continued moratorium will help the fish stocks when six years of moratorium has not improved the status of the fish stocks. Korea's proposal would establish a token AHL and INQ to appease the fishermen and it does not think that this conservative AHL will hurt the pollock stocks.

6.E.12. The U.S. responded that all the delegations have the same problem and dilemma of explaining to its fishermen why there is no fishing. The U.S. has the more difficult position of explaining to its fishermen why there is no fishing in the Bogoslof Island area, an area where the directed pollock fishing moratorium was implemented two years prior to the Convention moratorium.

6.E.13. Korea stated that this Convention is just one of many international fishery agreements. If consensus is not reached at this meeting to establish an AHL this year, then it should not be necessary to hold annual meetings and intersessional meetings every year.

6.E.14. Japan stated it is clear that consensus on this issue per Article 7-1 cannot be achieved, so Article 7-2 is the only mechanism to resort to for setting the AHL at other than zero.

6.E.15. The Chair asked if U.S. and Russian had changed their positions.

6.E.16. Russia stated that it is obvious there is no pollock available to be exploited in the Convention Area. Russia is in favor of going to proceeding to Article 7-2. The U.S. reconfirmed its position on the AHL being zero and agrees to proceed to Article 7-2.

6.E.17. Korea stated it would like its proposal to be considered at future meetings and agrees to proceed to Article 7-2. Poland also agreed to proceed to Article 7-2.

6.E.18. The Chair noted the Conference failed to reach consensus on an AHL as required in Article 7-1, therefore it must proceed to Article 7-2. The Parties agreed that the Korean proposal will continue to be considered at future meetings. **Since the Conference failed to reach consensus, the AHL for 1999 will be set at zero.**

6.F. The Establishment of the Individual National Quotas (INQ).

Because the Annual Conference established the 1999 AHL at zero, no individual national quotas (INQ) were established.

6.G. The Establishment of the Terms and Conditions for Trial Fishing in 1999.

6.G.1. As discussed earlier, Poland and China intend to conduct trial fishing during 1999. China had no additional comments. Poland stated it had no additional information from that submitted at the September S&T intersessional.

6.G.2. The U.S. proposed that the Trial Fishing Terms and Conditions for 1998 be applied to 1999 and asked that all Parties conducting trial fishing comply with those terms. The Parties agreed to this proposal (Appendix 5).

6.G.3. Japan stated that it had no current plans to conduct trial fishing in 1999, but if that position changes it will notify the Parties.

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

Japan reported that it conducted a monitoring and surveillance patrol in June-July and October 1998. The patrol vessel *Fukuyoshi-Maru No. 26* was dispatched and it did not discover any vessels violating the Convention. The U.S. stated that it also patrolled the area and did not note any violations.

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

Japan stated it believed this was a unique agenda item. As noted in Japan's opening remarks and by Mr. Morimoto at the reception Monday night, Japan is concerned with our limited knowledge of the affects of other marine species on the pollock. Sea lions, killer whales, and sea otters all eat pollock and it is unclear how the increases and decreases in the populations of those animals affect the pollock stocks. Japan suggested we examine this problem both quantitatively and qualitatively as responsible fisheries managers. The Parties supported the views of Japan. The Conference agreed that this item will be discussed further at the future meetings and note that an issue paper on ecosystem approach, prepared by Japan will be circulated to all Members.

6.J. Meeting Observers.

6.J.1. The S&T recommended that the Joint Russian-United States Transparency Proposal submitted at the S&T Meeting be tabled to allow the Parties time to further examine the proposal for discussion at the next Annual Meeting.

6.J.2. Korea stated it supports observers and transparency, however, the observers should have the ability to contribute to the conservation and management of resources in the CBS. Korea agreed that this issue needed further discussion in the future.

6.J.3. The Chair asked if there were any proposals regarding the admission of observers at the next Annual Meeting. The U.S. proposed that we apply the same measures to 1999 that were used in 1998. That is, no later than ninety days prior to the meeting, observers should submit their request to be admitted as observers. If there are no objections from the Parties, then the observers will be admitted. This would apply to countries and IGOs. The Parties agreed to this proposal.

7. Fourth Annual Conference.

7.A. Time and Location.

Korea offered to host the Fourth Annual Conference in the fall of 1999, possibly in Seoul or Pusan. Korea will notify the other Parties of the exact time and place via diplomatic channels. Korea asked the Parties to provide any suggestions for the time and place for the Annual Conference to be hosted by Korea. Based on statements from Russia and Japan, the Parties agreed that the first half of November would be the best time for the Conference.

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. Korea, as the host country for the Fourth Annual Conference, named Mr. Chong Guk Park, Maritime Affairs and Fishery Attaché, Embassy of the Republic of Korea, Tokyo, Japan, as Chairperson.

7.B.2. China offered to host the Fifth Annual Conference in Shanghai, China. As such, in keeping with past practices, China will identify a Vice-Chairman for the Fourth Annual Conference at a later date.

8. Other Business.

8.1. The U.S. stated that it had discussed a stock identification workshop with several of the other Parties and had determined it might not be feasible to hold the workshop immediately prior to the Fourth Annual Meeting in Korea. As Chair of the S&T, Dr. Marasco offered to coordinate this meeting with scientists from the other Parties to determine the best time and venue for the meeting.

8.2. Japan agreed that it had several scientists that were interested in this workshop and asked that the venue and timing be such so that as many Japanese scientists as possible could participate. The Parties agreed that the workshop would be held Japan or the U.S.; Dr. Marasco will communicate with the other Parties as to a time and the place for this workshop.

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

8.4. The Annual Conference agreed on a joint press release (Appendix 6).

9. Closing Statements.

The Parties closing statements are provided in Appendix 7.

10. Adjournment.

Chairperson Takase adjourned the Third Annual Conference at 1200 on Friday, 4 December 1998.

Appendices:

1. Opening Statements
2. Delegation Lists
3. Plenary Agenda
4. *R/V Kaiyo Maru* 1999 Cruise Plan

5. Trial Fishing Plan for 1999
6. Joint Press Release
7. Closing Statements