

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: September 15, 1993

SUBJECT: International Fisheries

ESTIMATED TIME

1 HOUR

ACTION REQUIRED

Status report on Donut Hole negotiations and straddling stock conference.

BACKGROUND

David Benton, Director for External and International Fisheries Affairs, Alaska Department of Fish and Game, will present a report on the latest round of talks in Tokyo on management of pollock stocks in the Donut Hole. Item C-1(a) is a draft House concurrent resolution introduced by Congressman Young expressing the sense of Congress that:

- (1) the United States should take appropriate measures to conserve the resources of the Donut Hole;
- (2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;
- (3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Donut Hole;
- (4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;
- (5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and
- (6) the United States should foster further multilateral cooperation leading to international consensus on management of the Donut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

103d Congress
1st Session

H. Con. Res. 135

Calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

IN THE HOUSE OF REPRESENTATIVES

August 5, 1993

Mr. Young of Alaska (for himself, Mr. Studds, Mr. Manton, Mr. Fields of Texas, and Mr. Saxton) submitted the following concurrent resolution; which was referred to

CONCURRENT RESOLUTION

Calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

Whereas there exists a small, central enclave in the Bering Sea known as the Donut Hole that is more than 200 nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured and that encompasses less than 10% of the Bering Sea;

Whereas the Donut Hole and surrounding areas have been part of one of the world's most productive regions of fishing for important commercial species;

Whereas one of the most highly valued fisheries is the Aleutian Basin pollock stock which straddles the United States and Russian exclusive economic zones and the Donut Hole but spawns only inside the exclusive economic zones;

Whereas fishing in the Donut Hole for the Aleutian Basin pollock stock began only in the mid-1980's and does not constitute a traditional high seas fishery;

Whereas the past productivity of these fishery resources has resulted in their overuse and their subsequent dramatic declines exemplified by the harvest of Aleutian Basin pollock by fishermen from distant-water fishing nations which has recently plummeted from a peak of approximately 1.4 million metric tons in 1989 to a low of approximately 10,000 metric tons in 1992;

Whereas in an effort to prevent the commercial extinction of the Aleutian Basin pollock stock, the Russian Federation and the United States substantially reduced, then suspended, domestic fisheries inside their respective exclusive economic zones;

Whereas conservation of the fishery resources in the exclusive economic zones has little success if similar conservation measures are not achieved in the Donut Hole;

Whereas the United States and the Russian Federation have made significant efforts with the distant-water fishing nations to negotiate effective conservation and management arrangements for the Donut Hole;

Whereas the distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable;

Whereas international law attempts to balance freedom of fishing in international waters with the interests of the coastal states in conserving and developing fish stocks within their own exclusive economic zones and the interests of all nations in conserving the living marine resources, but these efforts may not succeed due to the inherent difficulty associated with establishing effective conservation, management, and enforcement controls in international waters;

Whereas international negotiations have not yet succeeded in reaching a permanent means to control fishing in the Donut Hole despite continuing attempts to resolve the issues since the 1980's;

Whereas on April 4, 1993, at the Vancouver Summit, the Presidents of the United States and the Russian Federation agreed, inter alia, "to develop bilateral fisheries cooperation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources and of monitoring the ecosystem of the North Pacific Ocean";

Whereas the Congress of the United States has passed the Central Bering Sea Fisheries Enforcement Act of 1992 (P.L. 102-582) which denies port privileges to those vessels that violate international agreements concerning Central Bering Sea fishery resources;

Whereas the collaborative conservation efforts of the United States, Russian Federation, and distant-water fishing nations will provide enhanced fishery resources;

Whereas delegates from the People's Republic of China, Japan, the Republic of Korea, the Republic of Poland, the Russian Federation, and the United States signed a joint resolution at the Fifth Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea on

August 14, 1992, which provided for a temporary suspension of all commercial fishing in the Donut Hole during 1993 and 1994;

Whereas these delegations met most recently in Tokyo in June, 1993, to negotiate a long-term management agreement for the Donut Hole and were not able to finalize such an agreement;

Whereas delegates from each of these nations have expressed their consensus concerns for the long-term conservation and management of the fishery resources of the Donut Hole: Now, therefore, be it-

Resolved by the House of Representative (the Senate concurring), That it is the sense of the Congress that-

(1) the United States should take appropriate measures to conserve the resources of the Donut Hole;

(2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;

(3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective

international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Donut Hole;

(4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;

(5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and

(6) the United States should foster further multilateral cooperation leading to international consensus on management of the Donut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS
IN THE BERING SEA AND THE SEA OF OKHOTSK

(Submitted by the delegations of the Russian Federation
and the United States of America)

1. The United States and the Russian Federation welcomed General Assembly resolution 47/192 of 29 January 1993 which called for a conference to address the question of straddling fish stocks and to consider means of improving cooperation among States. As coastal States, engaged in ongoing international consultations regarding straddling fish stocks in enclaves surrounded by our respective exclusive economic zones, this Conference presents a timely and important opportunity to consider these issues.
2. In the Bering Sea, there is a small, central enclave referred to as the "doughnut hole", which is encircled by the 200-mile exclusive economic zones of the Russian Federation and the United States. A stock of pollock - the Aleutian Basin stock - straddles the United States and Russian zones and the doughnut hole area. More than 85 per cent of the Aleutian Basin lies within the 200-mile zones. In the Sea of Okhotsk there is a small enclave called the "peanut hole". It is completely surrounded by the Russian economic zone and comprises roughly 3 per cent of the Sea of Okhotsk. In both cases, the pollock spawning grounds are inside the areas of national jurisdiction, not in the enclaves.
3. Fishing in the doughnut hole began in the mid-1980s and quickly expanded from a total harvest of approximately 360,000 metric tons in 1985 to a peak of roughly 1.4 million metric tons in 1989. The fishery collapsed over the next two years to such an extent that by 1992 harvests were only in the 10,000 metric ton range.
4. In an effort to conserve the pollock stock, the Russian Federation and the United States reduced, then suspended, domestic fisheries inside their respective zones. The distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable. A voluntary moratorium for 1993 and 1994 is now in effect in the doughnut hole.

A/CONF.164/L.33

English

Page 2

5. A similar situation developed in the Sea of Okhotsk peanut hole when vessels displaced from the doughnut hole transferred their efforts to the pollock fishery there. Unregulated fishing, considerably exceeding the total allowable catch recommended by scientists, dramatically depleted the pollock stock of the Sea of Okhotsk. The Russian Federation, recognizing the potential for harm to the pollock stock in its surrounding zone, restricted the harvest in the Sea and called for a cessation of fishing in the enclave. However, this appeal has been met with continued fishing.

6. In both instances, unregulated fisheries in these small enclaves resulted in a conservation crisis for the stocks and economic crises for coastal fishermen and the communities dependent on them. In both instances, the coastal States had to shut down their own fisheries in their zones, while the distant-water States continued to deplete the stocks by fishing outside the exclusive economic zones.

7. The United States and the Russian Federation have taken their obligations prescribed in the United Nations Convention on the Law of the Sea seriously. Our two Governments have made exceptional efforts to negotiate effective conservation and management arrangements with the distant-water fishing States. In the case of the Bering Sea, there have been seven multilateral conferences and numerous other meetings convened at the initiative of the Russian Federation and the United States. In the case of the Sea of Okhotsk, bilateral and multilateral consultations and negotiations have been initiated by the Russian Federation.

8. These efforts produced some short-term progress after the conservation crises were reached. Regrettably, however, the goal of establishing meaningful and effective international conservation regimes for these relatively small enclave areas remains elusive. Fishing continues in the peanut hole in spite of the obvious need for a moratorium. The most recent consultation regarding a long-term agreement for the doughnut hole was disappointing.

9. The United States and the Russian Federation hope the deliberations at this Conference will instruct subsequent consultations on straddling stocks of pollock in these unique enclaves. The Russian Federation and the United States are committed to the conservation and sustainable utilization of these resources, taking into account the ecosystems of which they are a part. We are mindful both of our management responsibilities in this regard and of our rights to utilize fully these stocks within our exclusive economic zones. We accept our urgent duty to resolve these crises in order to conserve for future generations the ecosystems of these unique areas, and we hereby declare our determination, in accordance with international law, to carry out that duty by taking all necessary measures.
