## **MEMORANDUM**

TO:

Council, SSC and AP Members

FROM:

Clarence G. Pautzke

**Executive Director** 

DATE:

April 8, 1996

SUBJECT:

International Fisheries Report.

**ACTION REQUIRED** 

International Fisheries Report.

### **BACKGROUND**

Ambassador David Colson will present an overview of international fisheries issues on Thursday morning, with emphasis on recent U.S.-Russia bilaterals on Central Bering Sea fisheries. He will then join the Council in executive session at lunch for additional briefings. <u>Item B-6(a)</u> summarizes the discussions with Russia fishery representatives on February 27-28 in Washington, D.C.

# **United States Department of State**



Bureau of Oceans and International Environmental and Scientific Affairs

Washington, D.C. 20520

March 11, 1996

Mr. Clarence G. Pautzke
Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252



Dear Clarence:

Please find attached minutes of the bilateral fisheries meeting with the Russians that was held February 27-28. I believe we made some progress on the issues of concern to the Council expressed in your letter of December 15.

The minutes reflect an understanding with the Russians on the importance of coordinating on Bering Sea fisheries issues, particularly implementation of the Central Bering Sea "Donut Hole" Pollock Fishery Convention. I also believe we laid a foundation to begin addressing concerns about fishing activities on one side of the Bering Sea that may affect fishery stocks on the other side of the Bering Sea or in the "Donut Hole" as well.

We also agreed to step up our scientific research on pollock stocks in the Bering Sea, including conducting such research in each other's zone when possible. We also agreed to work toward coordinating our management of pollock fisheries in our respective zones.

These are clearly initial steps; we must move forward now and give these good intentions real content.

On the U.S.-Russia Maritime Boundary Agreement, the Russians reported that the Agreement is pending for action with the Russian Parliament. Russia confirmed that it continues to provisionally apply the Agreement pending any other action by the Parliament. We have made clear to them the political importance of the Agreement.

I appreciated the advice of the members of the U.S. Advisory Body on North Pacific and Bering Sea Fisheries, as well as that of representatives of the National Marine Fisheries Service and the U.S. Coast Guard during the meeting. I believe that all the advisors agree that it is important to build a constructive working relationship with the Russians and guard against finger-pointing or loud complaints that will be counterproductive to getting us to where we want to go over the long haul.

Please feel free to make this information available to the Council. I look forward to receiving additional thoughts or comments you might have.

Sincerely,

David A. Colson

Ambassador

Deputy Assistant Secretary

for Oceans

Attachment

## MINUTES OF THE EIGHTH MEETING OF THE U.S.-RUSSIA INTERGOVERNMENTAL CONSULTATIVE COMMITTEE ON FISHERIES

- 1. Pursuant to Article XIV of the Agreement Between the Parties dated May 31, 1988 (hereinafter referred to as the "Agreement"), and in accordance with the schedule agreed previously, the Eighth Meeting of the U.S.-Russia Intergovernmental Consultative Committee (the "Committee") was held February 27 and 28, 1996 in Washington, D.C., USA.
- 2. The following Representatives of the Parties took part in the meeting:

## United States of America

Ambassador David A. Colson

Representative of the United States of America, Deputy Assistant Secretary of State for Oceans

## Russian Federation

Dr. Vyacheslav K. Zilanov

Representative of the Russian Federation, Deputy Chairman of the Committee on Fisheries of the Russian Federation

Lists of the U.S. and Russian delegations are attached as Annexes 1 and 2 respectively.

- 3. At the opening of the meeting, the two representatives gave introductory remarks. They noted the close cooperation on issues of mutual concern and in various fora that had occurred between the two sides since the Seventh Meeting of the Committee. They concluded that this cooperation had resulted in significant progress and many successes on issues of common interest to both sides. They reaffirmed the significant value they place on maintaining the U.S.-Russia fisheries relationship and they committed to continue to strengthen and further encourage it.
- 4. Ambassador Colson was elected to chair the meeting.
- 5. The two sides considered and adopted an agenda for the meeting which is attached as Annex 3.
- 6. The two sides reviewed matters pertaining to implementation of the Agreement between the Parties on Mutual Fisheries Relations dated May 31, 1988. They exchanged information and views on the status and development of cooperation between

their respective government institutions, business firms, and other enterprises in the field of fisheries and agreed to further encourage such cooperation and assist in its development.

The Russian side provided information on the operations of U.S. interests operating in the Russian Far East, as well as new forms of cooperation concerning U.S. operations of Russian fishing vessels. The Russian side agreed that the extent of U.S.-Russian business cooperation in this area was characteristic of the deep trust evident in the U.S.-Russian fisheries relationship. They concluded that the Agreement as a whole is working well, but that the two sides should work together to find new forms of cooperation under the Agreement. In this regard, the Russian side noted that technical assistance programs directed toward the fishing industry would be beneficial, and also requested that the United States give greater consideration to allocation of fishery resources in the U.S. exclusive economic zone to Russian interests.

The U.S. side stated that it was very interested in increasing cooperation in fisheries matters under the Agreement and noted with satisfaction the cooperation which is occuring between U.S. and Russian industry interests. The U.S. side noted that progress on technical assistance, especially financial, would be difficult, but that the U.S. was willing to explore areas where projects could be pursued. The U.S. side noted that a request for joint venture activities with a Russian processing vessel in the U.S. EEZ in the Atlantic Ocean was being given serious consideration.

In order to encourage and facilitate industry exchange, the two sides arranged discussions held during the meeting between the industry representatives on their respective delegations.

The two sides reviewed the outcome of the Meeting of States Signatories to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea held October 30 to November 3, 1995, in Seattle, Washington, USA. They shared the view that they were generally satisfied with the results of the meeting. The two sides exchanged views on preparations for the First Annual Conference of the Parties to As the coastal States of the Bering Sea, they the Convention. agreed on the importance of early and close coordination between the United States and Russia in preparations for the They agreed on the importance of a comprehensive management regime being in place to monitor and control fishing before any resumption of fishing for pollock in the high seas area of the Bering Sea. Further, in this regard, they reviewed / appropriate implementation by them of the provisions of the Convention and came to the conclusion on the expediency to

improve coordination of the two sides on this issue within the framework of the Committee. The two sides agreed that the optimal sequence and timing of events should be annually, as follows:

- a. exchange of scientific data on the status of pollock stocks of the entire Bering Sea area/annual ICC meeting;
- b. Annual Conference of the Parties to the Central Bering Sea Convention; and
- c. in the event of a decision on opening the pollock fishery in the high seas area of the Bering Sea, to conduct it optimally in the fall of the year.

The two sides specifically noted that, in carrying out their responsibilities under Part I, paragraph (a) of the Annex to the Convention, it was critical that current data on the Aleutian Basin pollock stock be made available at the above referenced annual scientific meeting. They also noted the need for the two sides cooperatively to develop information on the status of pollock stocks, in particular for the area north of 60 degrees North Latitude, that may have an impact on pollock in the Central Bering Sea. In this regard, they noted the importance they attach to joint scientific researches with regard to pollock stock estimates in the entire Bering Sea area and to this end they agreed as follows:

- a. to conduct annual surveys (hydroacoustic/trawl/ichthyoplankton) of pollock stocks in the Russian exclusive economic zone (EEZ), and, with U.S. cooperation, extension by Russia of these surveys into the U.S. EEZ and the central Bering Sea, when possible, to estimate pollock stock abundance; and,
- b. to conduct annual trawl surveys of pollock stocks in the U.S. EEZ, and, with Russian cooperation, extension by the U.S. of the triennial hydroacoustic/trawl surveys into the Russian EEZ and the central Bering Sea, when possible, to estimate pollock stock abundance.

The two sides also agreed that they will exchange the following information at the above referenced annual scientific meeting:

- a. commercial fisheries statistics -- detailed catch and effort data by area and monthly periods;
- composition of commercial catch -- species, size, and age composition;

- c. status and abundance of pollock stocks -- data and analyses on condition of stocks and estimates of biomass (both total and exploitable) by basic areas;
- d. other stock assessment data such as tagging and stock identification information on pollock stocks.

The two sides, in light of the Convention, confirmed their responsibilities to coordinate management of the pollock fisheries in their respective EEZs that occur near to the Central Bering Sea. In this regard, they agreed to consider the application of traditional management measures, including monitoring and enforcement, as necessary to ensure the appropriate conservation of pollock stocks.

The two sides, taking into account the important practical feasibility of the annual implementation of the above agreements in full, and, in particular, in conducting joint scientific researches and monitoring of pollock stocks, agreed to bring to the attention of their respective competent authorities these scientific researches for appropriate and timely funding.

- 8. The two sides reviewed and discussed the outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Russian side reported that it had begun the internal process to ratify the Agreement resulting from the Conference, which would include Russian Parliamentary approval. The U.S. side reported that the President had recently transmitted the Agreement to the United States Senate for its advice and consent to U.S. ratification. Both sides agreed that the United States and Russia enjoyed a high and effective level of cooperation during the Conference. They noted that it would be important to continue to cooperate during implementation of the Agreement.
- The two sides exchanged information and views on fishing in The Russian side reported that it the Central Sea of Okhotsk. had reached agreements with other countries fishing in the high seas area of the Sea of Okhotsk to suspend voluntarily those They also reported a generally continuing decline operations. in the pollock biomass in the area. The United States expressed its hope that efforts to address the issues in the Sea of Okhotsk would not increase the difficulties already encountered in the Bering Sea. In this regard, the two sides discussed and subsequently initialled a draft agreement between the United States and Russia on the conservation of straddling fish stocks in the central part of the Sea of Okhotsk. sides agreed to expedite their respective internal procedures necessary to bring the agreement into force. The initialled agreement is attached as Annex 4.

10. The two sides reviewed fishery issues in the Bering Sea resulting from the signing of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary dated June 1, 1990. They exchanged information on the status of consideration of the Agreement within their respective country.

The U.S. side confirmed that it had no proposals in addition to ones it had previously made to facilitate bringing the Agreement into force, although it would continue to consider examining arrangements that would allow reciprocal fishing opportunities in areas fished prior to the signing of the Agreement in 1990. The U.S. side clearly indicated that it was not willing to discuss opening areas that had not been the subject of the boundary agreement negotiations. The U.S. side noted that it was still willing to consider a fisheries arrangement longer than three years in duration. The Russian side reconfirmed its position on this issue which had been stated earlier.

The Russian side reported that the Agreement had been submitted to the Russian Parliament for its consideration toward ratification. It stated that Russia continues to provisionally apply the Agreement pending another decision by the Parliament. The Russian side expressed its desire to continue discussions with the United States to reach an agreement on the matter, stating that a satisfactory agreement on the fishing provisions of the Agreement should be permanent in nature, remaining in force concurrently with the Agreement.

11. Under other business, the U.S. side accepted the offer made by the Russian side to cosponsor an international conference on "Fisheries and Law" to be held at the end of 1996 in Moscow. The U.S. side expressed a desire to work with the Russian organizers to develop the program and agenda of the conference. The Russian side appreciated the positive U.S. response.

The two sides agreed to hold a symposium on the status and dynamics of pollock stocks and other living marine resources in the North Pacific Ocean and Bering Sea and problems of their stable utilization by fisheries. The two sides agreed that their scientists would coordinate the symposium.

The two sides agreed to jointly publish a collection of documents and commentaries reflecting the views of lawyers and other specialists of the Parties in relation to the outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The two sides agreed that the coordination of their effort at the working level at the preliminary stage could be dealt with by the legal offices and the foreign and political authorities of both Parties.

The two sides exchanged views on the activities of the International Whaling Commission.

The two sides discussed and agreed upon the importance they attach to accession by the Republic of Korea and the People's Republic of China to the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. They agreed to continue to encourage the two States to accede to the Convention as soon as possible.

The two sides agreed that the Ninth Meeting of the Committee would be held in Russia at a time and place to be mutually decided upon through diplomatic channels.

These minutes, done on February 28, 1996, at Washington, D.C., are in duplicate in the English and Russian languages.

David A. Colson

Representative for the

United States of America

Dr. Vyacheslav K. Zilanov Representative for the

Russian Federation

United States-Russia
Intergovernmental Consultative Committee on Fisheries
Eighth Meeting
February 27-28, 1996
U.S. Department of State
Washington, D.C., USA

#### DELEGATION OF THE UNITED STATES

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Ambassador David A. COLSON Deputy Assistant Secretary for Oceans

Mr. Larry L. SNEAD Director

Office of Marine Conservation

Mr. William E. DILDAY Senior Pacific Affairs Officer

Office of Marine Conservation

Mr. David A. BALTON Attorney/Advisor

Office of the Legal Advisor

Ms. Isabella D. DETWILER Office of Russian Affairs

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Ms. Margaret HAYES Assistant General Counsel for

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Mr. David S. WHALEY

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Mr. William B. WOOLF

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Office of Senator Frank H.
Murkowski
United States Senate

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#### LIST

# OF THE RUSSIAN DELEGATION TO THE RUSSIA-U.S. INTERGOVERNMENTAL CONSULTATIVE COMMITTEE ON FISHERIES

## EIGHT MEETING

U.S. Department of State Washington, D.C., USA

February 27-28, 1996

Dr. V.K.Zilanov	- Deputy Chairman Fisheries Committee of the Russian Federation, Head of Delegation
Mr. V.I.Markhovets	- Deputy Director General A/O "DALRYBA"
Mr. E.R.Malayan	- Senior Counsellor <sup>.</sup> Russian Embassy
Mr. V.V.Ilyushin	- Deputy Chief Fisheries Department Kamchatka Region
Mr. A.S.Mikhailik	- Federal Border Guard Service of the Russian Federation
Mr. A.A.Matveev	- Chief of the Section Legal Department Ministry of Foreign Affairs
Mr. V.N.Solodovnick	- Fisheries Attache Russian Embassy
Mr. V.F.Fedorenko	- Fisheries Committee of the

Mr. G.V.Gousev

Russian Federation

Department of International

of the Russian Federation

Cooperation, Fisheries Committee

- Senior Officer

Mr. V.I.Radchenko

- Head of Laboratory TINRO

Mr. I.N.Kouznetsov

- First Secretary Russian Embassy

Mr. A.A.Mikryukov

- Second Secretary Russian Embassy United States-Russia
Intergovernmental Consultative Committee on Fisheries
Eighth Meeting
February 27-28, 1996
U.S. Department of State
Washington, D.C., USA

#### **AGENDA**

- 1. Opening of the Meeting and Introductory Remarks by the Representative of each Party
- 2. Election of the Chairman and Adoption of the Agenda and Meeting Procedures
- 3. Review of Matters pertaining to Implementation of the Agreement Between the two sides on Mutual Fisheries Relations
- 4. Review of the Outcome of the Meeting of States Signatories to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, held October 30-November 3, 1995, in Seattle, and Preparations for the First Annual Conference
- 5. Review of the Outcome of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks
- 6. Information of the Parties pertaining to the fishery in the Central Sea of Okhotsk. Review of the Draft Agreement between the Government of Russia and the Government of the United States on the Conservation of Straddling Fish Stocks in the (enclave) of the central Sea of Okhotsk.
- 7. Review of fishery issues in the Bering Sea, resulting from the signing of the Agreement between the USSR and the U.S. on the Maritime Boundary on June 1, 1990
- 8. Other Business
- 9. Venue and dates for the Ninth Meeting
- 10. Adoption of minutes and closing of the Meeting

#### **AGREEMENT**

BETWEEN THE GOVERNMENT OF THE RUSSIAN FEDERATION AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE CONSERVATION OF STRADDLING FISH STOCKS IN THE CENTRAL PART OF THE SEA OF OKHOTSK

The Government of the Russian Federation and the Government of the United States of America, hereinafter "the Parties,"

Guided by the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on Mutual Fisheries Relations of May 31, 1998, hereinafter "the 1988 Agreement,"

Recognizing the importance of long-term conservation of straddling fish stocks in the Sea of Okhotsk, particularly the pollock resources of the Sea of Okhotsk, with a view to sustainable development of fisheries in that region,

Guided by 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 recognizes the rights, duties and interests of the coastal State in areas of high seas surrounded entirely by an area under the national jurisdiction of that State,

Taking into account the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,

Taking into account that the Russian Federation has done its utmost to conserve and manage fish stocks in the Sea of Okhotsk on the basis of the best scientific evidence available, in order to create the conditions for sustainable fisheries,

Noting that there is an enclave in the Sea of Okhotsk that is beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the Russian Federation is measured, hereinafter "the central Sea of Okhotsk," which constitutes only 2.7 percent of the entire Sea of Okhotsk and is completely surrounded by the exclusive economic zone of the Russian Federation,

Expressing serious concern over unregulated fishing in the central Sea of Okhotsk by vessels of non-coastal States,

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Realizing that such fishing can irrevocably damage the pollock resources of the Sea of Okhotsk and, accordingly, the entire ecosystem of that Sea by threatening the fishery resources in that region, on which the coastal communities in particular depend,

Have agreed as follows:

#### ARTICLE 1

The Parties recognize that the conservation of the stocks and management of fishing in the central Sea of Okhotsk must be based upon the best scientific evidence available and on the application of the precautionary approach, and that any fishing for straddling stocks in the central Sea of Okhotsk is subject to the rights, duties and interests of the Russian Federation.

#### ARTICLE 2

The Government of the United States of America shall ensure that nationals and vessels subject to its jurisdiction observe measures adopted by the Russian Federation for the conservation and management of the pollock resources in the Sea of Okhotsk, including the central Sea of Okhotsk, that are compatible throughout the entire biological range of these resources.

#### ARTICLE 3

- 1. Each Party shall prohibit nationals and vessels subject to its jurisdiction from fishing for pollock in the central Sea of Okhotsk until the Government of the Russian Federation determines, on the basis of the best scientific evidence available, that the pollock resources of the Sea of Okhotsk have recovered sufficiently to allow for a resumption of such fishing.
- 2. In the event that the Government of the Russian Federation is considering conservation and management measures for stocks of pollock that would allow for a resumption of pollock fishing in the central Sea of Okhotsk, it shall conduct appropriate consultations with the Government of the United States of America, having due regard for the cooperation of the United States of America pursuant to this Agreement.

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#### ARTICLE 4

The Parties shall cooperate for the purpose of studying and analyzing scientific data and exchanging information regarding the pollock resources in the central Sea of Okhotsk through mechanisms established in the 1988 Agreement or as otherwise may be agreed by the Parties.

#### ARTICLE 5

- 1. The Parties agree to invite the attention of any third party to any matter relating to the fishing operations of its nationals, residents or vessels flying its flag that could affect adversely the long-term sustainable use of the pollock resources of the Sea of Okhotsk.
- 2. The Parties shall, consistent with international law, encourage any third party to respect the conservation and management measures for pollock stocks in the Sea of Okhotsk adopted by the Russian Federation.
- 3. If the fishing operations of nationals, residents or vessels of any third party could affect adversely the long-term sustainable use of the pollock resources of the Sea of Okhotsk, the Parties shall take measures, individually or collectively, in accordance with international law, that they deem necessary and appropriate to deter such operations.
- 4. The Parties shall cooperate with a view to preventing damage to the pollock resources of the Bering Sea by vessels flying the flag of a third party that may be displaced from the central Sea of Okhotsk consistent with the objective of this Agreement.

#### ARTICLE 6

The Parties shall annually consult concerning the implementation of this Agreement through mechanisms established by the 1988 Agreement.

#### ARTICLE 7

This Agreement shall enter into force upon an exchange of diplomatic notes indicating that the Parties have carried out the internal procedures necessary for its entry into force, and shall remain in force concurrent with the 1988 Agreement.

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	In w	itness	where	eof	the	under	signed	l, bei	ng du]	y author	orized
by	their	respec	ctive	Gov	ernn	nents,	have	signed	d this	Agree	ment.

Done at \_\_\_\_\_\_, in duplicate, in the Russian and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

THE

P.B.V

Feb 25 15:02 AGENDA B-6 APRIL 1996 Supplemental

Michael Sutton, 04:57 AM 2/21/96, MEC Press Statement

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Date: 21 Feb 96 04:57:06 EST

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Subject: MSC Press Statement

EMBARGOED Until Thursday, 22 February 1996

MAJOR NEW INITIATIVE TO HALT DECLINE IN FISH STOCKS

A major new initiative to halt the serious decline in global fish stocks was announced today by WWF International and Unilever Plc/NV, one of the world's larges buyers of frozen fish.

They have agreed to create a Marine Stewardship Council (MSC) to promote market-led incentives for sustainable fishing, and are embarking on a wide ranging process of consultation with all those concerned with fisheries and the marine environment.

Acting as a wholly-independent body, the MSC will set out broad principles of sustainable fishing, and lay down specific standards for individual fisheries.

Products made from fish caught in accordance with those standards will receive an MSC 'on-pack' logo. This will allow consumers to select fish products that come from a source certified as sustainable.

## Michael Sutton, 04:87 AM 2/21/96, MSC Press Statement

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The initiative represents a sea change in efforts to promote sustainable

fishing. It is modeled on the Forest Stewardship Council (FSC), which has adopted a similar approach to sustainable forestry.

The decline in fish stocks poses a serious threat to the long-term viability of common commercial species such as cod, haddock and tuna. It also threatens the future of fishing communities in Europe and across the world. In developed countries, hundreds of thousands of jobs are at risk if the situation is not reversed. In the third world, entire communities dependent on fishing face economic and social collapse.

Repeated efforts to tackle the problem at the political level, mainly through setting catch quotes and other regulations, have so far failed to halt the decline. WWF and Unilever believe that a market-based approach holds out the best hope of a solution, by uniting industry and consumer in a commande and avour.

The MSC will be set up only after wide-ranging consultation of all those involved with fisheries, from the industry itself to scientists, regulators and environmentalists.

"This initiative offers our best hope yet of reversing the worldwide crisis in marine fisheries," said Michael Sutton, director of WWF's Endangered Seas Campaign. "By working together with progressive seafood companies, we can enlist consumer power in favour of conservation goals."

## -Ends-

For further information, please contact: Media Watura, +44-171-395-1315, 1318, 1319, 1320.

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